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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	77147075
Applicant	The Chamber of Commerce of the United States of America
Applied for Mark	NATIONAL CHAMBER
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of Service Mark Application

Serial Nos.: 77/147075 : Int'l. Class 35

77/975745

Applicant: The Chamber of Commerce of

the United States of America

: Ex. Atty: Christopher L. Buongiorno

Filed: April 3, 2007 : Law Office 102

.

Mark: NATIONAL CHAMBER

United States Patent and Trademark Office Trademark Trial and Appeal Board P.O. Box 1451 Alexandria, VA 22313-1451

BOX TTAB NO FEE

# APPLICANT'S APPEAL BRIEF

Applicant, The Chamber of Commerce of the United States of America, hereby appeals from the Examining Attorney's final rejections of Application Nos. 77147075 and 77975745 for the mark NATIONAL CHAMBER on the Principal Register and asks the Board to reverse the Examining Attorney's actions and allow the applications to proceed to publication.

# **BACKGROUND**

The examination of the two applications at issue in this consolidated appeal has resulted in a complex procedural record. A full consideration of that record, though, underscores the lack

of evidence cited by the Examining Attorney in support of the most recent refusals. Applicant will thus take a moment to parse the events that necessitated the filing of this appeal.

Applicant filed Serial No. 77147075 on April 3, 2007, seeking to register the mark NATIONAL CHAMBER for use in connection with services in International Classes 35 and 45, namely, for "providing on line directory information services; providing business information and news; membership services, namely providing information about membership benefits and providing discounts for the services of others" (Class 35) and for "analysis of data, policy and regulatory activity" (Class 45). Applicant based its application on its intent to use the NATIONAL CHAMBER mark in commerce for the specified services.

The Examining Attorney initially refused registration as to both classes of services under Section 2(e)(1) of the Trademark Act, arguing that the proposed mark "immediately impart[ed] information about an important feature, function or purpose of the identified services." *See* Exhibit A (*Office Action of June 5, 2007*). As Applicant pointed out in its response, though, at no point did the Examining Attorney specify *what* particular "feature, function or purpose" of the services was supposedly identified by the mark. *See* Exhibit B (*Response of Dec. 5, 2007*). In addition, Applicant further noted that none of the website printouts on which the Examining Attorney was relying to support the alleged descriptiveness of the phrase "NATIONAL CHAMBER" even *used* the phrase, as a mark or otherwise. *See id*.

Applicant's primary response, however, was that the mark NATIONAL CHAMBER could not be deemed to be descriptive of the services for which registration was being sought, especially in light of the amendments Applicant made in its response. *See id.* As Applicant pointed out, although the single word CHAMBER could be viewed as descriptive for services that referred to "local and state Chambers of Commerce" (which is the reason why Applicant

disclaimed exclusive rights in CHAMBER with respect to certain services), there is nothing about NATIONAL CHAMBER *as a whole* that would immediately inform consumers about an important feature, function, or purpose of the proposed services. *See id.* Applicant further noted that it owned long-standing registrations for the marks NATIONAL CHAMBER (U.S. Reg. No. 1436813) (now abandoned) and NATIONAL CHAMBER FOUNDATION (U.S. Reg. No. 2804476) (with FOUNDATION disclaimed), both of which broadly covered "association services," and both of which were issued without a need to show acquired distinctiveness.

After considering Applicant's arguments, the Examining Attorney withdrew the descriptiveness refusal as to the Class 45 services, which at the time covered "analysis of data, policy and regulatory activity." See Exhibit C (Final Office Action of Dec. 27, 2007). The Examining Attorney, however, entered a final refusal as to the Class 35 services, continuing to maintain that the mark "immediately imparts information about an important feature, function or purpose of the identified services." See id. Once again, though, at no point did the Examining Attorney specify what information was supposedly being imparted, nor did he include further evidence in support of the grounds for the refusal. Instead, the Examining Attorney improperly dissected the mark and suggested that because the term CHAMBER could be descriptive (e.g., when referring to a "chamber of commerce"), and because "the term 'NATIONAL' has been repeatedly held to be merely descriptive of services that are nationwide in scope," the mark NATIONAL CHAMBER in its entirely must therefore also be descriptive. See id.

Because the descriptiveness refusal as to the Class 45 services had been withdrawn (and as there were no other outstanding objections to the registration of the mark for those services), Applicant moved to divide the application, putting the services into new Serial No. 77147075. *See* Exhibit D (*Request to Divide*). Meanwhile, in the now "parent" application (Serial No.

77147075), Applicant amended the description of the Class 35 services to adopt the recitation the Examining Attorney proposed and noticed an appeal from the descriptiveness refusal. *See id.* 

The Board instituted the appeal and then remanded the case to the Examining Attorney to consider the proposed amendment to the services. *See* D.I. 2 (*Order of Aug. 1, 2008*). On remand, the Examining Attorney objected to the use of "providing business information and news" (which description had previously been accepted). *See* Exhibit E (*Office Action of Aug. 22, 2008*). Applicant again amended its identification, changing the language to read "providing information and news in the field of business." *See* Exhibit F (*Response of Feb. 3, 2009*).

In response, the Examining Attorney continued the refusal as to the description of services. In addition, though, the Examining Attorney for the first time issued an Information Request pursuant to 37 CFR 2.61(b), requiring Applicant to specify whether it "will ... use the proposed mark in connection with a national directory of chambers of commerce." *See* Exhibit G (*Office Action of Feb. 18, 2009*). The descriptiveness refusal was also continued.

Applicant responded and further restricted the portion of the description at issue, setting forth the subject matter of the information and news. The description then stood as follows:

Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments that can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services. (Class 35)

Exhibit H (*Response of Aug. 7, 2009*). Applicant also responded to the Examining Attorney's Information Request. Specifically, Applicant informed the Examining Attorney that it intended to use the NATIONAL CHAMBER mark for *all* of the services then at issue in the application, which was consistent with Applicant's claim to entitlement to a Section 1(b) filing basis. By definition then, if the Examining Attorney's hypothetical service of providing "a national

directory of chambers of commerce" (a description that is somewhat vague and is not an accepted identification) fell within the scope of the services actually at issue in the application, then the answer was "yes." However, if such a service would not be considered as being covered by Applicant's description, then information as to any intent (or the lack thereof) to offer such a service could not be "reasonably necessary to the proper examination of the application."

The Examining Attorney responded by issuing a second final office action, maintaining the descriptiveness refusal, the identification refusal, and the information request. *See* Exhibit I (*Final Office Action of Aug. 12, 2009*). This appeal was then resumed. Subsequent to the issuance of the final office action, however, the Office amended the *Acceptable Identification of Goods and Services Manual* so as to include (almost verbatim) the portion of Applicant's proposed description with which the Examining Attorney had a concern (as well as to include "providing information and news in the field of business," which Applicant had earlier proposed. *See D.I.* 8 (*Request to Remand Application*). Applicant therefore requested that jurisdiction again be returned to the Examining Attorney so he could consider this new evidence. *See id.*.

On remand, Applicant submitted the new evidence and amended the recitation of services to conform to the now-accepted identification. See Exhibit J (Response of Nov. 20, 2009). Applicant also filed a request to restrict its previous disclaimer of CHAMBER (which had been made earlier in the prosecution) to the scope originally intended rather than extending (as it had been interpreted by the Examining Attorney) to all of the services at issue, including those that did not contain any mention of a chamber of commerce (such as the service of "administration of a discount program enabling participants to obtain discounts on goods and services"). See id.

In response, the Examining Attorney withdrew the refusal as to the identification. The Examining Attorney, though, continued the descriptiveness refusal and the information request,

and introduced new evidence that supposedly supported the grounds for rejection. *See* Exhibit K (*Denial of Request for Reconsideration, Dec. 16, 2009*). That evidence and the Examining Attorney's analysis of its applicability to a refusal under Section 2(e)(1) are discussed *infra*.

Prosecution in the child application was likewise quite involved. As noted, the child application was originally divided out from the main application because there were no outstanding refusals to the Class 45 services (either substantively or to the identification). Applicant was thus hoping and expecting that it could receive a registration promptly.

In the first office action following the division, however, the Examining Attorney withdrew the approval of the description of the Class 45 services, requesting further amendment. See Exhibit L (Office Action of Aug. 27, 2008). In response, Applicant further restricted its description of services. See Exhibit M (Response of Jan. 30, 2009). Applicant also filed an amendment to allege use so as to prepare the application for allowance. See Exhibit N (AAU).

The Examining Attorney continued the refusal as to the identification, prompting further restrictions to (and a change of classification for) the proposed identification. See Exhibit O (email exchange discussing proper recitation); Exhibit P (Response of Aug. 7, 2009). Through this process the identification was narrowed from "analysis of data, policy and regulatory activity" in Class 45 (which had originally been approved) to "analysis of governmental policy relating to businesses and analysis of regulatory activity relating to businesses, all for the purpose of promoting the interests of businessmen and businesswomen; business data analysis" in Class 35.

Final agreement as to the narrowed scope of the recitation, however, did not end the matter. Following the entry of narrowing amendments, the Examining Attorney reinstated the original descriptiveness refusal, notwithstanding the fact that the withdrawal of the original refusal was the impetus behind Applicant dividing out the "child" from the "parent" application.

See Exhibit Q (Office Action of Aug. 12, 2009). As before, however, the Examining Attorney offered little evidence in support of the refusal. Instead, the Examining Attorney simply argued that because NATIONAL was descriptive of services that are nationwide in scope (citing TMEP, \$\\$1209.01(b), 1209.03 et seq.) and because the word CHAMBER supposedly was "descriptive of the type of services illustrated in applicant's identification of services"—a contention for which he provided no support—the combination must also be descriptive. See id.

Applicant attempted one last time to clarify matters and also to address (as it did in the parent application) the proper scope of Applicant's original disclaimer of CHAMBER. *See* Exhibit R (*Response of Nov. 20, 2009*). Applicant's arguments, however, were unfortunately not deemed persuasive (although the disclaimer was adjusted), leading the Examining Attorney to issue a final refusal in the "child" case that substantially mirrored the refusal issued in the "parent" case. *See* Exhibit S (*Final Office Action of Dec. 16, 2009*); *cf.* Exhibit K. An appeal followed, which appeal the Board later consolidated with the current action. *See* D.I. 13.

# **ARGUMENT**

# A. The NATIONAL CHAMBER Mark is Not Descriptive for the Services for Which Registration is Sought

It is well settled that a mark is merely descriptive only if it immediately conveys an ingredient, quality, characteristic, function, feature, purpose, attribute, or use of the services in connection with which it is to be used. *See In re Gyulay*, 820 F.2d 1216, 1217, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Abcor Development Corp.*, 200 USPQ 215, 217 (CCPA 1978). In this context, the word "merely" is to be understood in its ordinary meaning of "only" or "solely." That is, when considered with respect to the services for which registration is being sought, a "descriptive" mark, because of its meaning, must do nothing other than describe the services at

issue. *In re Colonial Stores, Inc.*, 394 F.2d 549, 157 USPQ 382 (CCPA 1963); *In re Quik-Print Copy Shop, Inc.*, 616 F.2d 523, 205 USPQ 505 (CCPA 1980). In contrast, if some imagination, thought, or perception is required to determine the nature of the services for which registration is being sought, the mark is instead suggestive, and thus registrable. *See In re Shutts*, 217 USPQ 363, 364-65 (TTAB 1983) (SNO-RAKE not merely descriptive of a snow removal hand tool).

Here, Applicant submits that NATIONAL CHAMBER is not descriptive of any feature, function, or purpose of any of the below Class 35 services for which registration is being sought:

- (1) Providing online directory information services featuring information regarding local and state Chambers of Commerce;
- (2) Providing information and news in the field of business, namely, information and news on current events and on economic, legislative, and regulatory developments as it relates to and can impact businesses;
- (3) Administration of a discount program enabling participants to obtain discounts on goods and services;
- (4) Analysis of governmental policy relating to businesses and analysis of regulatory activity relating to businesses, all for the purpose of promoting the interests of businessmen and businesswomen; or
- (5) Business data analysis.

Indeed, and as Applicant repeatedly noted during prosecution, the Examining Attorney has never articulated what particular "feature, function, or purpose" of each of the above services the phrase NATIONAL CHAMBER in its entirety supposedly immediately describes.

While it is true, as the Examining Attorney has pointed out, that the term "NATIONAL" is descriptive of services that are nationwide in scope, *see* TMEP §1209.03(o), and the term "CHAMBER" is commonly used to refer to a "chamber of commerce" (which is why Applicant disclaimed that portion of the mark in connection with the first of the five services set forth above), those facts do not render the unitary phrase NATIONAL CHAMBER *de jure* descriptive for every service a chamber of commerce may happen to offer nationwide, such as "providing

online directory information services," "administration of a discount program," or "providing news and information in the field of business." After all, it is axiomatic that the descriptiveness of a mark can only be evaluated within the context of the specific services for which registration is being sought, and that to be descriptive the mark must do nothing other than describe those specific services at issue. Here, however, the phrase NATIONAL CHAMBER tells consumers nothing about the nature of any of the five services Applicant proposes to offer under the mark.

For example, what information about the service of "providing information and news in the field of business" supposedly is immediately conveyed to the consumer through the use of the phrase "NATIONAL CHAMBER" by Applicant as a trademark? Or what features of the service of "business data analysis" or of the "administration of a discount program" are immediately being revealed? To be sure, the NATIONAL CHAMBER mark may suggest to some consumers who are unfamiliar with Applicant's long use of and association with the name "National Chamber" some characteristic of the *source* of the services in question (*e.g.*, that the entity providing the "information and news" is a chamber of commerce), but that is not the point. To be regarded as descriptive, the mark must "immediately tell[] something *about the* ... *services*," *see*, *e.g.*, TMEP, §1209.01(a) (emphasis added), which is not the case here.

Moreover, even if the mark NATIONAL CHAMBER in its entirety is regarded as conveying some information about the actual services to be offered under the mark rather than about the source (although Applicant submits that there is no evidence that is the case), it must be kept in mind that "one may be informed by suggestion as well as description." *See In re Reynolds Metals Co.*, 178 U.S.P.Q. 296, 297 (CCPA 1975). Consequently, a trademark is not

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For years, Applicant was known as the "National Chamber," and many consumers continue to refer to it as such today. Also, Applicant has used and continues to use formatives of the NATIONAL CHAMBER mark in connection with "association services." *See, e.g.,* Ex. T (registrations for NATIONAL CHAMBER (U.S. Reg. No. 1436813) (abandoned), NATIONAL CHAMBER FOUNDATION (U.S. Reg. No. 2804476) (FOUNDATION disclaimed), and NATIONAL CHAMBER LITIGATION CENTER (U.S. Reg. No. 2892713).

rendered merely descriptive simply because a person encountering the mark might recognize a suggestion regarding the nature of the services being offered. *See, e.g., In re Nalco Chemical Co.*, 228 U.S.P.Q. 972, 973 (TTAB 1986) (holding that VERI-CLEAN is suggestive, not merely descriptive, of applicant's cleaning additives). On this point, the Board's decision in *In re TMS Corporation of the Americas*, 200 U.S.P.Q. 57, 59 (TTAB 1978), is particular instructive. In that case, the Board determined that THE MONEY SERVICE for money transfer services was too broad to describe the applicant's services with immediacy and particularity and was therefore suggestive, rather than descriptive. *See id.* (explaining that because the mark "THE MONEY SERVICE" is composed of commonly used words of the English language it suggests a number of things, but yet falls short of describing applicant's service in any degree of particularity). Applicant submits that at best, NATIONAL CHAMBER similarly suggests, but does not describe with any degree of particularity, the range of services for which registration is sought.

In light of the above, Applicant submits that because there is no evidence that the mark NATIONAL CHAMBER describes a characteristic, function, or feature of any of the services at issue, the descriptiveness refusals issued in the applications on appeal are unsupported and should be withdrawn. Further, Applicant notes that any doubt in determining the registrability of the mark should be resolved in favor of Applicant as anyone who believes that they will be damaged by the registration will have an opportunity to oppose and to present evidence to that effect. *See, e.g., In re Stroh Brewery Co.*, 34 USPQ2d 1796, 1797 (TTAB 1995).

# B. Applicant's Response to the Information Request About its "Intent to Use" the Mark Was Proper

In addition to refusing registration based on supposed descriptiveness, the Examining Attorney has also refused registration with regard to the first of the five above services (namely, "providing online directory information services featuring information regarding local and state Chambers of Commerce") on the basis that Applicant supposedly failed to comply with a request for information issued by the Examining Attorney. Applicant respectfully submits, however, that it responded to the request in full and as best it could given the vague nature of the request.

Specifically, the Examining Attorney asked during prosecution of Serial No. 77147075 whether Applicant intended to "use the proposed mark in connection with a national directory of chambers of commerce?" *See, e.g.*, Exhibit G. According to the Examining Attorney, this request (which was first raised by the Examining Attorney in the fourth Office Action) was precipitated by a review of Applicant's original response to the *first* Office Action, wherein Applicant stated that it had not yet begun to use the mark for the services at issue. *See id.*; *cf.* Exhibit B (Applicant raised its nonuse to illustrate why the website evidence on which the Examining Attorney was claiming to rely for the descriptiveness refusal was not probative).

As required by Trademark Rule 2.61(b), Applicant responded to the request. However, the phrasing of the Examining Attorney's question—referring to "a national directory of chambers of commerce"—did not lend itself to an unambiguous "yes/no" response. Applicant therefore responded by reaffirming its intent to offer services that fell within the scope of the identification at issue, which at the time included "providing online directory information services featuring information regarding local and state Chambers of Commerce." See Exhibit H. And because it is presumed for examination purposes (both as to descriptiveness and for the potential for confusion) that an applicant is using (or intends to use) a mark for all of the services covered by the identification, see, e.g., TMEP, §1402.07(a), Applicant maintained that its response provided all of the information necessary for a proper examination. See Exhibit H.

For example, it is not clear what supposedly would constitute a "national directory of chambers of commerce," which phrase is not considered an accepted ID. Is a directory of local chambers a "national directory" if it is offered over the Internet? Must such a directory only include chambers of commerce that operate nationwide?

The Examining Attorney, however, disagreed, insisting that Applicant respond "with a 'yes' or 'no' answer." *See* Exhibits I, S. At no point, though, did the Examining Attorney explain why the information Applicant already provided was supposedly insufficient to permit the Examining Attorney to make a proper examination of the application. After all, if, as discussed previously, *see supra*, the service of providing "a national directory of chambers of commerce" (assuming there is agreement as to the meaning of that phrase) can fairly be regarded as being included within the scope of "providing online directory information services featuring information regarding local and state Chambers of Commerce," then Applicant's admission that it intends to offer the latter must (by definition) be considered an acknowledgement that it may also offer the former. On the other hand, if offering a "national directory of chambers of commerce" is *not* be covered by the current identification, any intent on the part of Applicant to offer such services could not then be considered "reasonably necessary to the proper examination of the application" because those services would not be at issue in the application.

Rule 2.61(b) provides that an Examining Attorney may require an applicant to furnish "such information and exhibits as may be reasonably necessary to the proper examination of the application." 37 CFR §2.61(b). Typically, such requested information is of a strictly factual nature—e.g., advertising and promotional material that show how the mark is to be used; statements by the applicant as to whether a mark has a meaning in the industry or trade. Here, however, the request for "information" was essentially in the form of a legal inquiry, with Applicant being asked whether it regarded the service of providing "a national directory of chambers of commerce" to fall within the scope of the services at issue. It was (and is) impossible, however, for Applicant to answer that question as there is no general consensus as to

what would constitute providing "a national directory of chambers of commerce," let alone

whether such a service would fall within the scope of the identification.

Applicant's response should therefore be deemed appropriate. Applicant responded to

what it regarded to be an indefinite request by providing information (to wit, that it intends to use

the NATIONAL CHAMBER mark to offer, among other services, an online directory with

information about local and state chambers of commerce) that was sufficient to permit the proper

examination of the application. The request for information should therefore either be

withdrawn or considered satisfied. See In re SPX Corp., 63 USPQ2d 1592, 1597 (TTAB 2002)

(explaining that an applicant has "several options" when responding to a request for information,

including "submitting the required ... material" or "disput[ing] the legitimacy of the request").

**CONCLUSION** 

As set forth above, there is no competent evidence to support the descriptiveness refusal,

and Applicant responded fully to the request for information. Applicant thus respectfully

requests that the Board reverse the Section 2(e) descriptiveness refusal and deem the request for

information either satisfied or inappropriate (and therefore withdrawn).

Respectfully submitted,

KENYON & KENYON LLP

Dated: May 11, 2010

By: /William M. Merone/ \_

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# Exhibit A

To:

The Chamber of Commerce of the United St ETC. (

tmdocketde@kenyon.com)

Subject:

TRADEMARK APPLICATION NO. 77147075 - NATIONAL CHAMBER -

11904-185

Sent:

6/5/2007 1:24:03 PM

Sent As:

ECOM102@USPTO.GOV

Attachments: Attachment - 1

Attachment - 2

Attachment - 3

Attachment - 4

Attachment - 5

# UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO:

77/147075

APPLICANT:

The Chamber of Commerce of the United St ETC.

\*77147075**\*** 

# CORRESPONDENT ADDRESS:

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Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

MARK:

NATIONAL CHAMBER

CORRESPONDENT'S REFERENCE/DOCKET NO: 11904-185

CORRESPONDENT EMAIL ADDRESS:

tmdocketdc@kenyon.com

Please provide in all correspondence:

- 1. Filing date, serial number, mark and applicant's name.
- 2. Date of this Office Action.
- 3. Examining Attorney's name and Law Office number.
  - 4. Your telephone number and e-mail address.

# **OFFICE ACTION**

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <a href="http://tarr.uspto.gov/">http://tarr.uspto.gov/</a>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 77/147075

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02. However, applicant should note the following refusal.

# Refusal - Section 2(e)(1) - Descriptiveness

The examining attorney refuses registration on the Principal Register because the proposed mark merely describes the services. Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1); TMEP §1209 et seq.

A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. 1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright? Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP §1209.03.

The examining attorney must consider whether a mark is merely descriptive in relation to the identified services, not in the abstract. *In re Omaha National Corp.*, 819 F.2d 1117, 2 USPQ2d 1859 (Fed. Cir. 1987); *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215 (CCPA 1978); *In re Venture Lending Associates*, 226 USPQ 285 (TTAB 1985).

It is not necessary that a term describe all of the purposes, functions, characteristics or features of the services to be merely descriptive. It is enough if the term describes one attribute of the services. *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982); *In re MBAssociates*, 180 USPQ 338 (TTAB 1973).

The applicant's proposed mark is NATIONAL CHAMBER for "providing on line directory information services; providing business information and news; membership services, namely providing information about membership benefits and providing discounts for the services of others; and analysis of data, policy and regulatory activity." As used therewith, the proposed mark immediately imparts information about an important feature, function or purpose of the identified services.

Consequently, the examining attorney refuses registration on the Principal Register because the proposed mark merely describes the services. Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1); TMEP §1209 et seq. Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

A mark in an application under Trademark Act Section 1(b) is not eligible for registration on the Supplemental Register until an acceptable amendment to allege use under 37 C.F.R. §2.76 has been filed. 37 C.F.R. §82.47(d) and 2.75(b); TMEP §1102.03. When a Section 1(b) application is amended to the Supplemental Register, the effective filing date of the application is the date of filing of the amendment to

allege use. 37 C.F.R. §2.75(b); TMEP §§206.01 and 1102.03.

## Disclaimer

If the applicant submits an amendment to allege use and amends the application to the Supplemental Register, then it must disclaim the generic term "CHAMBER."

If the applicant responds to the above refusal, then the applicant must address the following issues.

# **Recitation of Services**

The applicant must clarify the recitation of services to specify the nature of the services as noted below. The wording "membership services, namely providing information about membership benefits and providing discounts for the services of others" does not identify services recognized under the Trademark Act.

The following criteria have evolved for determining what constitutes a service, in connection with which a mark may be registered: (1) a service must be a real activity; (2) a service must be performed to the order of, or for the benefit of, someone other than the applicant; and (3) a service cannot be merely an ancillary activity or one which is necessary to the applicant's larger business. In re Canadian Pacific Ltd., 754 F.2d 992, 224 USPQ 971 (Fed. Cir. 1985); In re Moore Business Forms, Inc., 24 USPQ2d 1638 (TTAB 1992); In re Betz Paperchem, Inc., 222 USPQ 89 (TTAB 1984); In re Integrated Resources, Inc., 218 USPQ 829 (TTAB 1983); In re Landmark Communications, Inc., 204 USPQ 692 (TTAB 1979).

For assistance with identifying goods and/or services in trademark applications, please see the online searchable Manual of Acceptable Identifications of Goods and Services at <a href="http://tess2.uspto.gov/netahtml/tidm.html">http://tess2.uspto.gov/netahtml/tidm.html</a>. The applicant may adopt the following formats, if accurate:

"providing on line directory information services featuring information on [specify subject matter of information]; providing business information and news" in International Class 35;

"analysis of data, policy and regulatory activity" in International Class 45.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods or services that are not within the scope of the goods or services recited in the present identification. Furthermore, goods or services deleted by amendment may not be reinserted at a later point in prosecution. See TMEP §§1402.06(a) and 1402.07(e).

# **Ownership of Prior Registrations**

If the applicant is the owner of Registration Nos. 2804476 and 1436813, the applicant must submit a claim of ownership. 37 C.F.R. §2.36; TMEP §812.

/Christopher L. Buongiorno/ Christopher L. Buongiorno Law Office 102 (571) 272-9251

NOTICE OF NEW PROCEDURE FOR E-MAILED OFFICE ACTIONS: In late spring 2007, for any applicant who authorizes e-mail communication with the USPTO, the USPTO will no longer directly e-mail the actual Office action to the applicant. Instead, upon issuance of an Office action, the USPTO will e-mail the applicant a notice with a link/web address to access the Office action using Trademark Document Retrieval (TDR), which is located on the USPTO website at <a href="http://portal.uspto.gov/external/portal/tow">http://portal.uspto.gov/external/portal/tow</a>. The Office action will not be attached to the e-mail notice. Upon receipt of the notice, the applicant can then view and print the actual Office action and any evidentiary attachments using the provided link/web address. TDR is available 24 hours a day, seven days a week, including holidays and weekends. This new process is intended to eliminate problems associated with e-mailed Office actions that contain numerous attachments.

# HOW TO RESPOND TO THIS OFFICE ACTION:

- ONLINE RESPONSE: You may respond using the Office's Trademark Electronic Application
  System (TEAS) Response to Office action form available on our website at
  <a href="http://www.uspto.gov/teas/index.html">http://www.uspto.gov/teas/index.html</a>. If the Office action issued via e-mail, you must wait 72
  hours after receipt of the Office action to respond via TEAS. NOTE: Do not respond by e-mail.
  THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.
- REGULAR MAIL RESPONSE: To respond by regular mail, your response should be sent to the
  mailing return address above, and include the serial number, law office number, and examining
  attorney's name. NOTE: The filing date of the response will be the date of receipt in the Office,
  not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R.
  §2.197.

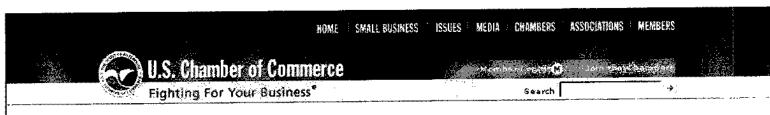
STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <a href="http://tarr.uspto.gov">http://tarr.uspto.gov</a>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <a href="http://portal.uspto.gov/external/portal/tow.">http://portal.uspto.gov/external/portal/tow.</a>

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <a href="http://www.uspto.gov/main/trademarks.htm">http://www.uspto.gov/main/trademarks.htm</a>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

[1] See attachments from applicant's website retrieved from a search on www.google.com performed on June 5, 2007.



CHAMBERS & ASSOCIATIONS

Associations

### Chambers

Accreditation

-Chamber Directory

Chamber of Commerce Committee Gressroots for Chambers

Membership News & Publications

Salary Survey Federation Partnership Institute Program

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and be heard.

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# http://www.uschamber.com/chambers/directory/default.htm?n=tb 06/05/2007 10:56:18 AM

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Address:
City:
State: Select State or Location ▼
Zip:
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A B C D E E G H I J K L M N O P Q R S I U V W X Y Z Other

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Advancing human progress through an economic, political and social system based on individual freedom, incentive, initiative, opportunity, and responsibility.

# http:///2\_14\_205\_104/search?g=cache:UPLkmlHHjigJ:www.2chambers.com/+national+chamber&hl=en&ct=clnk&cd=4&gl=us 06/05/2007\_10:57:38\_AM

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# Chamber of Commerce | Visitor Bureau

Nationwide Directory

Find Chamber Towist Bureau | DSA Motel Directory | USA Apartment Directory

Find both state and local Chambers of Commerce, Convention Centers, Visitor Bureaus and Tourist Boards in the United States providing U.S. business, relocation, visitor and tourist attraction information. On the the links below, click on the U.S. state you want to travel to.

State Directory	State Visitor Guides	State Directory
Official U.S. Chambers of Commerce	Request Travel and Vacation Planning Packets from the Official State Tourism Departments	Official U.S. Convention & Visitor Bureaus
Alahama	Official Alabama Visitors Guide	Alabama
Alaska	Official Alaska Visitors Guide	<u>Alaska</u>
Arizona	Official Arizona Visitors Guide	<u>Arizona</u>
Arkansas	Official Arkansas Visitors Guide	<u>Arkansas</u>
California	Official California Visitors Guide	<u>California</u>
Colorado	Official Colorado Visitors Guide	<u>Colorado</u>
Connecticut	Official Connecticut Visitors Guide	Connecticut
Delaware	Official Delaware Visitors Guide	<u>Delaware</u>
District of Columbia	Official Washington DC Visitors Guide	District of Columbia
Morida	Official Florida Visitors Guide	<u>Florida</u>
Gentgia	Official Georgia Visitors Guide	Geergia
Hawaii	Official Hawaii Visitors Guide	Hawaii

http:///2\_14\_205\_104/search?q=cache:UPLkmlHHjigJ:www.2chambers.com/+national+chamber&hl=en&ct=clnk&cd=4&gl=us 06/05/2007\_10:57:38\_AM

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Idaivo	Official Idaho Visitors Guide	<u>Idaho</u>
Illineis	Official Illinois Visitors Guide	<u> Illinois</u>
Indiena	Official Indiana Visitors Guide	<u>Indiana</u>
žowa	Official Iowa Visitors Guide	<u>Iowa</u>
Kansas	Official Kansas Visitors Guide	<u>Kansas</u>
Kennicky	Official Kentucky Visitors Guide	<u>Kentucky</u>
Logisiana	Official Louisiana Visitors Guide	Louisiana
Maine	Official Maine Visitors Guide	Maine
Maryland	Official Maryland Visitors Guide	Maryland
Massachusetts	Official Massachusetts Visitors Guide	Massachusetts
Michigan	Official Michigan Visitors Guide	Mithigan
Minnesota	Official Minnesota Visitors Corde	Minnesota
Mississippi	Official Mississippi Visitors Guide	<u>Mississippi</u>
Missouri	Official Missouri Visitors Guide	Missouri
Montana	Official Montana Visitors Guide	<u> Montana</u>
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Nevada	Official Nevada Visitors Guide	Nevada
New Hampshire	Official New Hampshire Visitors Guide	New Hampshire
New Jersey	Official New Jersey Visitors Guide	New Jersey
New Mexico	Official New Mexico Visitors Guide	New Mexico
New York	Official New York Visitors Guide	New York
North Carolina	Official North Carolina Visitors Guide	North Carolina
North Dakota	Official North Dakota Visitors Guide	North Dakota
Ohio	Official Ohio Visitors Guide	Ohie
Oklahoma	Official Oklahoma Visitors Guide	Oklahoma
Oregon	Official Oregon Visitors Guide	Oregon
Pennsylvania	Official Permsylvania Visitors Guide	Pennyylvania
Khode Island	Official Rhode Island Visitors Grade	<u>Khode Island</u>
South Carolina	Official South Carolina Visitors Guide	South Carolina
South Dakota	Official South Dakota Visitors Guide	South Dakota
Tennessee	Official Tennessee Visitors Guide	Tennessee
Texas	Official Texas Visitors Guide	Texas
<u>Utah</u>	Official Utah Visitors Guide	<u> Utali</u>
Vermont	Official Vermont Visitory Guide	Vermont
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# http://72.14.205.104/search?q=cache:UPLkmlHHjigJ:www.2chambers.com/+national+chamber&hl=sn&ct=clnk&cd=4&gl=us 06/05/2007\_10:57:38\_AM

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Washington	Official Washington Visitors Guide	<u>Washington</u>
West Virginia	Official West Virginia Visitors Guide	West Virginia
Wisconsin	Official Wisconsin Visitors Guide	Wisconsin
Wyoming	Official Wyoming Visitors Guide	Wyoming

# Submit update, or correct a Charaban tourist board, visitor center, or concention center listing here

Privacy Policy/Ad Policy



C Web @ www.2chambers.com

Whether traveling or relocating, the best source for local information is the state and local chambers of commerce and the local and state convention and visitor bureaus. This nation wide Chamber of Commerce directory and Convention and Visitor Bureau directory brings all of those local and state chambers of commerce and local and state convention, visitor and tourist bureaus to one website. The local chamber of commerce will provide you with their town's relocation information, real estate information lodging information, business information, visitor information, local demographics and community information. The local Visitor Centers provide visitors, vacationers and business travelers with tourist information, including state and local attractions and recreation information, state and local motel and lodging information, group travel and individual travel information, state and local dining and nightlife information, and of course state and local amusements visitor sites and tourist attractions



# Exhibit B

# **Response to Office Action**

The table below presents the data as entered.

	INC CANIC.	7010 ( P- 00 011 13		
	loput Field		Entered	
SERIAL	NUMBER	77147075		
LAW OF	TICE ASSIGNED	LAW OFFICE 102	2	· · · · · · · · · · · · · · · · · · ·
MARK S	ECTION (no change)			:
ARGUM	ENT(S)			:

The Examining Attorney has refused registration of Applicant's mark NATIONAL CHAMBER under Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1), arguing that the mark is merely descriptive of the proposed services (as amended) of providing on line directory information services of local and state Chambers of Commerce; providing business information and news; membership services, namely administering a discount program enabling participants to obtain discounts on goods and services, in class 35 and analysis of data, policy and regulatory activity, in class 45. Applicant respectfully disagrees and requests that the Examining Attorney reconsider and withdraw the refusal.

The Examining Attorney argues that, as used in connection with the proposed services, the mark NATIONAL CHAMBER immediately imparts information about an important feature, function or purpose of the identified services in both Classes. The Examining Attorney, however, has not identified what particular feature, function, or purpose of the services is identified by the mark. For support, the Examining Attorney relies on (1) a print-out from Applicant's website (www.uschamber.com) (Attachments 1 & 2) showing a nationwide directory of state and local Chambers of Commerce, and (2) a print-out from a third party website (Attachments 3 – 5) showing a nationwide directory of visitors and tourist bureaus.

At the onset, Applicant must point out that neither of the attachments submitted by the Examining Attorney show use of the proposed mark in connection with the services at issue. Indeed, Applicant has not yet made use of its mark NATIONAL CHAMBER in commerce in connection with the services for which registration is being sought. As such, the evidence provided by the Examining Attorney is of no probative value of to the descriptiveness of the mark NATIONAL CHAMBER for those services. Moreover, neither of the exhibits relates at all to "data, policy or regulatory activity analysis," as recited by Applicant in Class 45.

Further, as to the merits of the Examining Attorney's argument, Applicant respectfully submits that nothing in Applicant's mark NATIONAL CHAMBER points to any of the proposed services of directory information; business information and news; membership services."

A mark is merely descriptive only if it immediately conveys an ingredient, quality, characteristic, function, feature, purpose, attribute, or use of the services in connection with which it is to be used. See In re Gyulay, 820 F.2d 1216, 1217, 3 USPQ2d 1009 (Fed. Cir. 1987); In re Abcor Development Corp., 200 USPQ 215, 217 (CCPA 1978). In this context, the word "merely" is to be understood in its ordinary meaning of "only" or "solely." That is, when considered with respect to the services for which registration is being sought, a "descriptive" mark, because of its meaning, must do nothing other than describe the services at issue. In re Colonial Stores, Inc., 394 F.2d 549, 157 USPQ 382 (CCPA 1963); In re Quik-Print Copy Shop, Inc., 616 F.2d 523, 205 USPQ 505 (CCPA 1980). In contrast, if some imagination, thought or perception is required to determine the nature of the services for which registration is being sought, the mark is instead suggestive, and thus registrable. See In re Shutts, 217 USPQ 363, 364-65 (TTAB 1983) (SNO-RAKE held not merely descriptive of a snow removal hand tool).

Here, Applicant submits that NATIONAL CHAMBER is not descriptive of a feature, function or purpose of the service of "providing on line directory information of local and state Chambers of Commerce," "providing business information and news," or "administering a discount program enabling participants to obtain discounts on goods and services." At best, the mark suggests the existence of a national association of individuals or companies, but without any further indication of the composition of the association or of its goals, purposes, or offerings. However, it is axiomatic that "one may be informed by suggestion as well as description." In re Reynolds Metals Co., 178 U.S.P.Q. 296, 297 (CCPA 1975). Indeed, a trademark is not rendered merely descriptive simply because a person encountering the mark might recognize a suggestion regarding the nature of the applicant's services. See In re Nalco Chemical Co., 228 U.S.P.Q. 972, 973 (TTAB 1986) (holding that VERI-CLEAN is suggestive, not merely descriptive, of applicant's cleaning additives). Applicant finds particularly on point the Board's decision in In re TMS Corporation of the Americas, 200 U.S.P.Q. 57, 59 (TTAB 1978), where the Board determined that THE MONEY SERVICE as used for money transfer services was too broad to describe the Applicant's services with immediacy and particularity and was thus suggestive rather than descriptive. The Board further added that because the mark "THE MONEY SERVICE" is composed of commonly used words of the English language it suggests a number of things, but yet falls short of describing applicant's service in any degree of particularity. Applicant submits that the mark NATIONAL CHAMBER similarly suggests, but does not describe with any degree of particularity, the range of services for which registration is sought.

This position seems to have been confirmed by the Trademark Office. Applicant notes that its marks NATIONAL CHAMBER and NATIONAL CHAMBER FOUNDATION both for association services have matured to registration on the Principal register, without disclaimers.

Consequently, because nothing in the mark NATIONAL CHAMBER describes a characteristic, function, or feature of the services for which registration is being sought, the mark should be found to be registrable. Further, Applicant notes that any doubt in determining the registrability of the NATIONAL CHAMBER mark should be resolved in favor of Applicant as anyone who believes that they will be damaged by the registration will have an opportunity to oppose and to present evidence to that effect. See In re Stroh Brewery Co., 34 USPQ2d 1796, 1797 (TTAB 1995).

In view of the foregoing amendments and arguments, Applicant respectfully suggests that this application is now in condition for publication for opposition purposes and a favorable action is requested. The Examining Attorney may direct any questions to the undersigned attorney.

GOODS AND/OR SERVICES	SECTION (035)(current)	
INTERNATIONAL CLASS	. 035	
DESCRIPTION		
providing on line directory inform services, namely providing inform services of others	nation services; providing business information and news; membership nation about membership benefits and providing discounts for the	
FILING BASIS	Section 1(b)	
GOODS AND/OR SERVICES	SECTION (035)(proposed)	
INTERNATIONAL CLASS	035	
DESCRIPTION		
providing on line directory information and news; nenabling participants to obtain dis	nation services of local and state Chambers of Commerce; providing nembership services, namely administering a discount program scounts on goods and services	
FILING BASIS	Section 1(b)	
GOODS AND/OR SERVICES	SECTION (045)(no change)	
ADDITIONAL STATEMENTS	SECTION	
DISCLAIMER	"No claim is made to the exclusive right to use CHAMBER apart from the mark as shown."	
PRIOR REGISTRATION(S)	"Applicant claims ownership of U.S. Registration Number(s) 2804476, 1436813."	

2804476, 1436813."

SIGNATURE SECTION	The following th
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/William M. Merone/
SIGNATORY'S NAME	William M. Merone
SIGNATORY'S POSITION	Attorney of Record
DATE SIGNED	12/05/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECT	TION
SUBMIT DATE	Wed Dec 05 11:08:23 EST 2007
TEAS STAMP	USPTO/ROA-63.102.221.27-2 0071205110823936089-77147 075-41047fe44b09ff03d7c2f ceb85c6319327a-N/A-N/A-20 071204140235715820

PROPERTY AND PROPERTY OF THE COMMENT OF THE COMMENT

# Response to Office Action

# To the Commissioner for Trademarks:

Application serial no. 77147075 has been amended as follows:

# ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

The Examining Attorney has refused registration of Applicant's mark NATIONAL CHAMBER under Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1), arguing that the mark is merely descriptive of the proposed services (as amended) of providing on line directory information services of local and state Chambers of Commerce; providing business information and news; membership services, namely administering a discount program enabling participants to obtain discounts on goods and services, in class 35 and analysis of data, policy and regulatory activity, in class 45. Applicant respectfully disagrees and requests that the Examining Attorney reconsider and withdraw the refusal.

The Examining Attorney argues that, as used in connection with the proposed services, the mark NATIONAL CHAMBER immediately imparts information about an important feature, function or purpose of the identified services in both Classes. The Examining Attorney, however, has not identified what particular feature, function, or purpose of the services is identified by the mark. For support, the Examining Attorney relies on (1) a print-out from Applicant's website (www.uschamber.com) (Attachments 1 & 2) showing a nationwide directory of state and local Chambers of Commerce, and (2) a print-out from a third party website (Attachments 3 – 5) showing a nationwide directory of visitors and tourist bureaus.

At the onset, Applicant must point out that neither of the attachments submitted by the Examining Attorney show use of the proposed mark in connection with the services at issue. Indeed, Applicant has not yet made use of its mark NATIONAL CHAMBER in commerce in connection with the services for which registration is being sought. As such, the evidence provided by the Examining Attorney is of no probative value of to the descriptiveness of the mark NATIONAL CHAMBER for those services. Moreover, neither of the exhibits relates at all to "data, policy or regulatory activity analysis," as recited by Applicant in Class 45.

Further, as to the merits of the Examining Attorney's argument, Applicant respectfully submits that nothing in Applicant's mark NATIONAL CHAMBER points to any of the proposed services of directory information; business information and news; membership services."

A mark is merely descriptive only if it immediately conveys an ingredient, quality, characteristic, function, feature, purpose, attribute, or use of the services in connection with which it is to be used. See In re Gyulay, 820 F.2d 1216, 1217, 3 USPQ2d 1009 (Fed. Cir. 1987); In re Abcor Development Corp., 200 USPQ 215, 217 (CCPA 1978). In this context, the word "merely" is to be understood in its ordinary meaning of "only" or "solely." That is, when considered with respect to the services for which registration is being sought, a "descriptive" mark, because of its meaning, must do nothing other than describe the services at issue. In re Colonial Stores, Inc., 394 F.2d 549, 157 USPQ 382 (CCPA 1963); In re Quik-Print Copy Shop, Inc., 616 F.2d 523, 205 USPQ 505 (CCPA 1980). In contrast, if some imagination, thought or perception is required to determine the nature of the services for which registration is being sought, the mark is instead suggestive, and thus registrable. See In re Shutts, 217 USPQ 363, 364-65 (TTAB 1983) (SNO-RAKE held not merely descriptive of a snow removal hand tool).

Here, Applicant submits that NATIONAL CHAMBER is not descriptive of a feature, function or purpose of the service of "providing on line directory information of local and state Chambers of Commerce," "providing business information and news," or "administering a discount program enabling participants

to obtain discounts on goods and services." At best, the mark suggests the existence of a national association of individuals or companies, but without any further indication of the composition of the association or of its goals, purposes, or offerings. However, it is axiomatic that "one may be informed by suggestion as well as description." In re Reynolds Metals Co., 178 U.S.P.Q. 296, 297 (CCPA 1975). Indeed, a trademark is not rendered merely descriptive simply because a person encountering the mark might recognize a suggestion regarding the nature of the applicant's services. See In re Nalco Chemical Co., 228 U.S.P.Q. 972, 973 (TTAB 1986) (holding that VERI-CLEAN is suggestive, not merely descriptive, of applicant's cleaning additives). Applicant finds particularly on point the Board's decision in In re TMS Corporation of the Americas, 200 U.S.P.Q. 57, 59 (TTAB 1978), where the Board determined that THE MONEY SERVICE as used for money transfer services was too broad to describe the Applicant's services with immediacy and particularity and was thus suggestive rather than descriptive. The Board further added that because the mark "THE MONEY SERVICE" is composed of commonly used words of the English language it suggests a number of things, but yet falls short of describing applicant's service in any degree of particularity. Applicant submits that the mark NATIONAL CHAMBER similarly suggests, but does not describe with any degree of particularity, the range of services for which registration is sought.

This position seems to have been confirmed by the Trademark Office. Applicant notes that its marks NATIONAL CHAMBER and NATIONAL CHAMBER FOUNDATION both for association services have matured to registration on the Principal register, without disclaimers.

Consequently, because nothing in the mark NATIONAL CHAMBER describes a characteristic, function, or feature of the services for which registration is being sought, the mark should be found to be registrable. Further, Applicant notes that any doubt in determining the registrability of the NATIONAL CHAMBER mark should be resolved in favor of Applicant as anyone who believes that they will be damaged by the registration will have an opportunity to oppose and to present evidence to that effect. See In re Stroh Brewery Co., 34 USPQ2d 1796, 1797 (TTAB 1995).

In view of the foregoing amendments and arguments, Applicant respectfully suggests that this application is now in condition for publication for opposition purposes and a favorable action is requested. The Examining Attorney may direct any questions to the undersigned attorney.

# CLASSIFICATION AND LISTING OF GOODS/SERVICES

# Applicant proposes to amend the following class of goods/services in the application:

Current: Class 035 for providing on line directory information services; providing business information and news; membership services, namely providing information about membership benefits and providing discounts for the services of others

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**Proposed:** Class 035 for providing on line directory information services of local and state Chambers of Commerce; providing business information and news; membership services, namely administering a discount program enabling participants to obtain discounts on goods and services

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

## ADDITIONAL STATEMENTS

## Disclaimer

"No claim is made to the exclusive right to use CHAMBER apart from the mark as shown."

## Claim of Prior Registration(s)

"Applicant claims ownership of U.S. Registration Number(s) 2804476, 1436813."

## SIGNATURE(S)

# **Declaration Signature**

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

# Response Signature

Signature: /William M. Merone/ Date: 12/05/2007

Signatory's Name: William M. Merone Signatory's Position: Attorney of Record

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77147075

Internet Transmission Date: Wed Dec 05 11:08:23 EST 2007 TEAS Stamp: USPTO/ROA-63.102.221.27-2007120511082393

6089-77147075-41047fe44b09ff03d7c2fceb85 c6319327a-N/A-N/A-20071204140235715820

# Exhibit C

To:

The Chamber of Commerce of the United St ETC. (

tmdocketde@kenyon.com)

Subject:

TRADEMARK APPLICATION NO. 77147075 - NATIONAL CHAMBER -

11904-185

Sent:

12/27/2007 3:47:29 PM

Sent As:

ECOM102@USPTO.GOV

Attachments:

# UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO:

77/147075

MARK: NATIONAL CHAMBER

\*77147075\*

CORRESPONDENT ADDRESS:

WILLIAM M. MERONE KENYON & KENYON LLP 1500 K ST NW STE 700 WASHINGTON, DC 20005-1257 RESPOND TO THIS ACTION:

http://www.uspto.gov/teas/eTEASpageD.htm

GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/main/trademarks.htm

APPLICANT:

The Chamber of Commerce of

the United St ETC.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

11904-185

CORRESPONDENT E-MAIL ADDRESS:

tmdocketdc@kenyon.com

## OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 12/27/2007

## THIS IS A FINAL ACTION.

This letter responds to the applicant's communication filed December 5, 2007. The disclaimer is noted but does not obviate the refusal. The ownership claim has been accepted and entered into the record. The

applicant argued against the refusal to register the mark under Section 2(e)(1). However, the applicant's arguments do not support the withdrawal of the refusal.

# Refusal - Section 2(e)(1) - Final

The examining attorney refused registration on the Principal Register because the proposed mark merely describes the services. Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1); TMEP §1209 et seq. According to the applicant, the mark is not descriptive of the services despite the evidence attached to the initial office action, case law and the applicant's disclaimer of the term "chamber."

The examining attorney must consider whether a mark is merely descriptive in relation to the identified services, not in the abstract. *In re Omaha National Corp.*, 819 F.2d 1117, 2 USPQ2d 1859 (Fed. Cir. 1987); *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215 (CCPA 1978); *In re Venture Lending Associates*, 226 USPQ 285 (TTAB 1985).

The applicant disclaimed the term "chamber" because it is descriptive. Further, the term "NATIONAL" has been repeatedly held to be merely descriptive of services that are nationwide in scope. See Jefferson Bankshares Inc. v. Jefferson Savings Bank, 14 USPQ2d 1443 (W.D. Va. 1989) (NATIONAL BANK merely descriptive of banking services); National Automobile Club v. National Auto Club, Inc., 365 F. Supp. 879, 180 USPQ 777 (S.D.N.Y. 1973), aff'd, 502 F.2d 1162 (2d Cir. 1974) (NATIONAL merely descriptive of auto club services); In re National Rent A Fence, Inc., 220 USPQ 479 (TTAB 1983) (NATIONAL RENT A FENCE merely descriptive of nationwide fence rental services); National Fidelity Life Insurance v. National Insurance Trust, 199 USPQ 691 (TTAB 1978) (NATIONAL INSURANCE TRUST merely descriptive of services of handling administrative matters in locating suitable insurance coverage for attorneys).

The applicant's proposed mark is NATIONAL CHAMBER for "providing on line directory information services of local and state Chambers of Commerce; providing business information and news; membership services, namely administering a discount program enabling participants to obtain discounts on goods and services." As noted by the disclaimer of the term "chamber" and cited case law above, the proposed mark immediately imparts information about an important feature, function or purpose of the identified services. The response does assert that the services are not national in scope.

Consequently, the examining attorney refuses registration on the Principal Register because the proposed mark merely describes the services. Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1); TMEP §1209 et seq.

## **Refusal Pertains to Class 35**

The stated refusal refers to Class 35 only and does not bar registration in the other class. TMEP §1403.

# Applicant's Options Where Refusal Pertains to One of More than Two Classes

The applicant may respond to the stated refusal by doing one of the following:

(1) delete the class to which the refusal pertains;

- (2) traversing the refusal of the combined application as a whole; or
- (3) filing a request to divide the application, so that the mark may be published for opposition in the classes to which the refusal does not pertain (37 C.F.R. §2.87; TMEP §§1110.05, 1403.03 and 1403.05.

#### Recitation of Services - Final

The applicant's amended recitation of services is unacceptable as noted below.

"providing on line directory information services featuring [specify subject matter of information] of local and state Chambers of Commerce; providing business information and news; membership services, namely administering a discount program enabling participants to obtain discounts on goods and services [wording "membership services, namely administering a discount program enabling participants to obtain discounts on goods and services" does not identify services—may adopt" "administration of a discount program for enabling participants to obtain discounts on goods and services through use of a discount membership card"]" in International Class 35;

"analysis of data, policy and regulatory activity" in International Class 45.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods or services that are not within the scope of the goods or services recited in the present identification. Furthermore, goods or services deleted by amendment may not be reinserted at a later point in prosecution. See TMEP §§1402.06(a) and 1402.07(e).

### **Applicant's Options**

Please note that the only appropriate responses to a final action are (1) compliance with the outstanding requirements, if feasible, (2) filing of an appeal to the Trademark Trial and Appeal Board, or (3) filing of a petition to the Director if permitted by 37 C.F.R. §2.63(b). 37 C.F.R. §2.64(a); TMEP §715.01. Regarding petitions to the Director, see 37 C.F.R. §2.146 and TMEP Chapter 1700. If the applicant fails to respond within six months of the mailing date of this refusal, this Office will declare the application abandoned. 37 C.F.R. §2.65(a).

Christopher L. Buongiorno/ /Christopher L. Buongiorno/ Law Office 102 (571) 272-9251

RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office action should be filed using the form available at <a href="http://www.uspto.gov/teas/eTEASpageD.htm">http://www.uspto.gov/teas/eTEASpageD.htm</a>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <a href="http://tarr.uspto.gov">http://tarr.uspto.gov</a>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To:

The Chamber of Commerce of the United St ETC. (

tmdocketdc@kenyon.com)

Subject:

TRADEMARK APPLICATION NO. 77147075 - NATIONAL CHAMBER -

11904-185

Sent:

12/27/2007 3:47:29 PM

Sent As:

ECOM102@USPTO.GOV

Attachments:

## IMPORTANT NOTICE USPTO OFFICE ACTION HAS ISSUED ON 12/27/2007 FOR APPLICATION SERIAL NO. 77147075

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link

http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial\_number=77147075&doc\_type=OOA&

(or copy and paste this URL into the address field of your browser), or visit

http://tmportal.uspto.gov/external/portal/tow and enter the application serial number to access the

Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable <u>response time period</u>. Your response deadline will be calculated from \$2/27/2007.

Do NOT hit "Reply"to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <a href="http://www.uspto.gov/teas/eTEASpageD.htm">http://www.uspto.gov/teas/eTEASpageD.htm</a>.

**HELP:** For technical assistance in accessing the Office action, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office action.

## WARNING

1. The USPTO will NOT send a separate e-mail with the Office action attached.

2. Failure to file any required response by the applicable deadline will result in the <u>ABANDONMENT</u> of your application.						

# Exhibit D



Anne Grosheitsch Direct 202,220,4282 Agrosheitsch@kenyon.com

1500 K Street, N.W. Suite 700 Washington, D.C. 20005-1257 202.220.4200 Fax 202.220.4201

June 24, 2008

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451 Arlington, VA 22313-1451

Ann Grosheitsch - June 24, 2008

Anne Grosheitsch

Re:

U.S. SERVICE MARK APPLICATION

Mark

NATIONAL CHAMBER

App. No.

77/147075

Applicant

The Chamber of Commerce of the

United States of America

Filed

April 3, 2007

Our File No. :

11904-185

Madam:

Filed herewith, pursuant to 37 C.F.R. § 2.87, is a Request to Divide the above-referenced application.

Please charge \$100.00 and any additional fees that may be required, to Deposit Account No. 11-0600 (Our Ref.: 11904-185). A copy of this letter is enclosed for that purpose.

Respectfully submitted,

KENYON & KENYON LLP

the Goshettal

Anne Grosheitsch

Trademark Legal Assistant

06-26-2008

Enclosure

cc: William M. Merone (without enclosure)

U.S. Fatent & TMOFo/TM Mail Ropi Ot #72

New York Washington, DC Silicon Valley www.kenyon.com

Attorney Ref.: 11904-185

Class Nos.:

35, 45

Examining Attorney: Christopher L. Buongiorno

Law Office:

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

The Chamber of Commerce of the United States of America

Mark

NATIONAL CHAMBER

Serial No.

77/147075

Filing Date :

April 3, 2007

thereby pertify that this correspondence is being deposited with the United States Postal Service as first class mail in an cavelone addressed to. Commissioner for Trademarks, P.O. Box 1451; Alexandria, VA 22313-1451 on

Commissioner for Trademarks P.O. Box 1451. Alexandria, VA 22313-1451

## REQUEST TO DIVIDE APPLICATION PURSUANT TO 37 C.F.R. § 2.87

MADAM:

Applicant requests that this application be divided into two applications by retaining the following services (as amended in the Response to Office Action filed under separate cover) in the parent application:

> Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing business information and news; administration of a discount program enabling participants to obtain discounts on goods and services, in international class 35

and by making the following services the subject of a new application:

Analysis of data, policy and regulatory activity, in international class 45.

Applicant has had a bona fide intention to use the mark in commerce in connection with the services listed in the application as of the filing date of the application.

Please charge the required filing fee of \$100 and any additional fee that may be required to Deposit Account No. 11-0600.

## **DECLARATION**

The undersigned being hereby warned that willful false statements and the like are punishable by fine or by imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Respectfully submitted,

KENYON & KENYON LLP

Dated: June 24, 2008

By:

William M. Merone Edward T. Colbert Kenyon & Kenyon LLP 1500 K Street, NW Suite 700 Washington, DC 20005

202,220,4200

tmdocketdc@kenyon.com



Anne Gresheitsch Direct 202.220.4282 Agrosheitsch@kenyon.com

1500 K Street, N.W. Suite 700 Washington, D.C. 20005-1257 202.220.4200 Fax 202.220.4201

June 24, 2008

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451 Arlington, VA 22313-1451

Anne Grosheitsch . Date 24, 2008.

Re:

U.S. SERVICE MARK APPLICATION

Mark

NATIONAL CHAMBER

App. No.

77/147075

Applicant

The Chamber of Commerce of the

United States of America

Filed

April 3, 2007

Our File No.

11904-185

## Madam:

Filed herewith is a Response to Office Action for the above-referenced application, and courtesy copy of a Request to Divide the application.

Please charge any additional fees that may be required, to Deposit Account No. 11-0600 (Our Ref.: 11904-185). A copy of this letter is enclosed for that purpose.

Respectfully submitted,

KENYON & KENYON LLP

Anne Grocheitsch.

Anne Grosheitsch

Trademark Legal Assistant

Enclosure

cc: William M. Merone (without enclosure)

Attorney Ref.: 11904-185

Class Nos.:

35, 45

Examining Attorney: Christopher L. Buongiorno

Examining Attorney: Law Office:

102

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

The Chamber of Commerce of the United States of America

Mark

NATIONAL CHAMBER

Serial No.

77/147075

Filing Date :

April 3, 2007

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on

Date: July 24, 2008
Stomature: Anne Brosneitsch

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

## RESPONSE TO OFFICE ACTION

#### MADAM:

This letter responds to the Office Action dated December 27, 2007.

## (1) Request to Divide:

Applicant is filing, under separate cover, a Request to Divide the application, requesting that a separate application be created for the services in International Class 45, leaving the present application covering Class 35 only. A courtesy copy of this additional filing is enclosed for the Examining Attorney's convenience.

## (2) Amendment to the Recitation of Services:

As stated. Applicant has requested, under separate cover, that the present application be divided to create a new application for the services in class 45.

Please amend the present record to have the recitation of services covered by the present application (which now only includes services in Class 35) read:

Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing business information and news; administration of a discount program enabling participants to obtain discounts on goods and services.

Applicant notes that it has adopted the recitation of services discussed with the Examining Attorney on May 7.

## (3) Notice of Appeal:

The Examining Attorney has maintained and made final his refusal to register the mark NATIONAL CHAMBER in connection with the services of providing online directory information services featuring information regarding local and state Chambers of Commerce; providing business information and news; administration of a discount program enabling participants to obtain discounts on goods and services, contending that the mark merely describes the services in so far as it immediately imparts information about an important feature, function or purpose of the identified services.

Applicant thanks the Examining Attorney for withdrawing his initial refusal to register the mark in connection with the services classified in international class 45.

Applicant, however, respectfully continues to disagree with the Examining Attorney's contention that the NATIONAL CHAMBER mark is merely descriptive as to the services recited in class 35. Applicant is thus appealing the refusal to register and is filing a Notice of Appeal with the Trademark Trial and Appeal Board under separate cover.

Respectfully submitted,

KENYON & KENYON LLP

Dated: June 24 \_\_\_, 2008

William M. Merone Edward T. Colbert

Kenyon & Kenyon LLP 1500 K Street, NW

Suite 700

Washington, DC 20005

202.220.4200

tmdocketdc@kenyon.com

Attorney Ref.: 11904-185

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant : The Chamber of Commerce of the United States of America

Mark : NATIONAL CHAMBER

Serial No. : 77/147075

Class No. : 35

Filing Date : April 3, 2007

Examining Attorney: Christopher L. Buongiorno

Law Office : 102

Trademark Trial and Appeal Board U.S. Patent and Trademark Office P.O. Box 1451 Alexandria, VA 22313-1451



## NOTICE OF APPEAL

Applicant has filed, under separate cover, a Request to Divide its application 77/147075 into two applications by retaining the following services (as amended in the Response to Office Action also filed under separate cover) in the parent application 77/147075:

Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing business information and news; administration of a discount program enabling participants to obtain discounts on goods and services, in international class 35

and by making the following services the subject of a new application:

Analysis of data, policy and regulatory activity, in international class 45.

Applicant now hereby appeals from the Examining Attorney's final refusal of its application 77/147075, as divided, to register the above mark on the Principal Register.

Please charge the appeal fee, and any additional fee that may be required, to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON LLP

Date: June 27, 2008

William M. Merone Edward T. Colbert KENYON & KENYON LLP 1500 K Street, N.W. Suite 700 Washington, D.C. 20005 (202) 220-4200 tmdocketdc@kenyon.com

# Exhibit E

To:

The Chamber of Commerce of the United St ETC. (

tmdocketdc@kenyon.com)

Subject:

TRADEMARK APPLICATION NO. 77147075 - NATIONAL CHAMBER -

11904-185

Sent:

8/22/2008 3:05:54 PM

Sent As:

ECOM102@USPTO.GOV

Attachments: Attachment - 1

Attachment - 2

Attachment - 3

## UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO:

77/147075

MARK: NATIONAL CHAMBER

\*77147075\*

CORRESPONDENT ADDRESS:

WILLIAM M. MERONE KENYON & KENYON LLP 1500 K ST NW STE 700

WASHINGTON, DC 20005-1257

RESPOND TO THIS ACTION:

http://www.uspto.gov/teas/eTEASpageD.htm

GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/main/trademarks.htm

APPLICANT:

The Chamber of Commerce of

the United St ETC.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

11904-185

CORRESPONDENT E-MAIL ADDRESS:

tmdocketdc@kenyon.com

## **OFFICE ACTION**

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 8/22/2008

Applicant's response filed June 6, 2008, is acknowledged by this office action. After further review of the

amendment to class 35, the examining attorney has concluded that the term "news" must be further clarified by specifying the content of the news. The examining attorney has attached entries that include the term news to assist applicant in properly classifying the services. Because this is a new issue that applicant has not had the opportunity to address, applicant is given this opportunity to address it. Consequently, the appeal would resume once the issue is made final or satisfactorily addressed.

#### **Identification of Services**

The examining attorney may require an amendment of the identification language to accurately describe the services. *In re Water Gremlin Co.*, 635 F.2d 841, 208 USPQ 89 (C.C.P.A. 1980), *aff'g* 204 USPQ 261 (TTAB 1979). For assistance with identifying and classifying services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <a href="http://tess2.uspto.gov/netahtml/tidm.html">http://tess2.uspto.gov/netahtml/tidm.html</a>. *See* TMEP §1402.04.

Applicant must amend certain wording as indicated below. See TMEP §1402.01. Specifically, the term "news" must be further clarified by identifying the content of the news. The wording "business news" would be too vague. Please be advised that news is classified by subject matter. For instance, business financial news would be properly classified in class 36.

"providing online directory information services featuring information regarding local and state chambers of commerce; providing business information and news [specify content of news]; administration of a discount program [add wording "for others"] enabling participants to obtain discounts on goods and services" in International Class 35.

Identifications of goods can be amended only to clarify or limit the goods; adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 et seq., 1402.07. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the following for those goods and/or services based on an intent to use the mark in commerce under Trademark Act Section 1(b):

- (1) Applicant must list the services by international class; and
- (2) Applicant must submit a filing fee for each international class of services not covered by the fee already paid (current fee information should be confirmed at <a href="http://www.uspto.gov">http://www.uspto.gov</a>).

See 37 C.F.R.  $\S\S2.34(a)(2)-(3)$ , 2.86(a); TMEP  $\S\S1403.01$ , 1403.02(c).

## Refusal - Section 2(e)(1) - Continued

The examining attorney refused registration on the Principal Register because the proposed mark merely describes the services. Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1); TMEP §1209 et seq.

Christopher L. Buongiorno/ /Christopher L. Buongiorno/ Law Office 102 (571) 272-9251

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <a href="http://www.uspto.gov/teas/eTEASpageD.htm">http://www.uspto.gov/teas/eTEASpageD.htm</a>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For technical assistance with the form, please e-mail <a href="https://www.uspto.gov">TEAS@uspto.gov</a>. For questions about the Office action itself, please contact the assigned examining attorney. Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <a href="http://tarr.uspto.gov">http://tarr.uspto.gov</a>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.





United States Patent and Trademark Office

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Trademarks > Trademark Acceptable Identification of Goods & Services

## Trademark ID Manual

Refine Search: REWS

Submit Query

Hît No.	Cless	s: 1 - 70 of 70  Description	Status	Effective Date	Туре	Note	Trileters
1	509	Downloadable MP3 files, MP3 recordings, on-line discussion boards, webcasts and podcasts featuring music, audio books and news broadcasts	М	30 Nov 06	G	Y	
2	009	Electronic test and measurement devices for use in the fields of networks and telecommunications, namely, instrumentation used to test and certify new and existing date and voice communication cable and coexial cable	A	01 Aug 04	G	N	
3	016	News bulletins	А	02 Apr 91	G	N	
4	035	Advertising and publicity services, namely, promoting the goods, services, brand identity and commercial information and news of third parties through print, audio, video, digital and on-line medium	A	01 Sep 05	S	N	
5	035	Business consultation and management regarding marketing activities and launching of new products	A	20 Jul 04	S	N	Т
6	035	Chamber of commerce services, namely, promoting business and tourism in the (indicate area or specific geographic location, e.g., Boston, New York metropolitan, Southern California) area	A	02 Apr 91	S	N	
7	035	New business venture development and formation consulting services	A	14 Jun 07	S	N	
В	035	News clipping services	М	01 Jan 02	S	Y	T
9	035	News reporting services, namely, providing real-time information related to the tracking of sales of thoroughbred horses	Α	13 Sep 07	S	<sup>1</sup> N	
10	035	Promoting recreation and tourism in (indicate area or specific geographic location, e.g., Boston, New York metropolitan, Southern California)	A	07 Aug 08	S 	· N	
11	035	Promoting tourism in (indicate area or specific geographic location, e.g., Boston, New York metropolitan, Southern California) area	A	01 Nov 07	\$	N	
12	035	Promotional services, namely, launch parties to introduce a new book, author, book publisher or retailer	Α	21 Feb 08	S	Į N	
13	035	Providing a live forum for companies to showcase, display, demonstrate and promote new and innovative ideas, products and services in the convention/meeting management arena	A	13 Sep 07	S	¦ N	
14	035	Providing a web site whereby buyers of goods or services locate and receive quotations from multiple competitive sources and sellers of goods or services identify and bid on multiple new sales opportunities	A	01 Oct 01	S	N	
15	035	Providing consumer information and related news in the field of (indicate subject matter of information)	A	06 Sep 97	S	Y	
		[* · - · · - · · · · · · · · · · · · · ·	·- ( · · · · · · · · · · · · · · · · · ·				

## http://atlas/netacgi/nph-brs?sect2=THESOFF&sect3=PLURON&s1=news&l=MAX&sect1=IDMLICON&sect4=HITOFF&op1=AND&d=TI DM&p=1&u=%2Fnetahtml%2Ftidm.html&u=0&f=S 08/22/2008 02:48:02 PM

				r ::::::::::::::::::::::::::::::::::		
16	035	Real estate marketing services, namely, on-line services featuring the promotion of residential new construction, which also contains back office solutions for builders	A	08 Nov 07	5	N
17	035	Regulatory submission management, namely, assisting others in preparing and filing applications for new drugs with governmental regulatory bodies	Α	08 Nov 07	S	N
18	036	News reporting services in the field of financial news	Α	24 May 07	S	N
19	036	Providing on-line news in the field of finance	A	22 Feb 07	Ŝ	N
20	037	Housing services, namely, development of real property, namely, repair, improvement, and new construction	Α	28 Dec 06	S	N
21		News agencies, namely, the transmission of news items to news reporting organizations	Α	01 Sep 05		. N
22	038	Providing an on-line forum for companies to showcase, display, demonstrate and promote new and innovative ideas, products and services in the convention/meeting management arena	Α	13 Sep 07	S	N
23	638	Transmission of news	Α	20 Jul 04	S	N
24	039	Providing information, news and commentary in the field of travel	Д	26 Jul 07	S	N
25	040	Prototype fabrication of new products for others	Α	01 Jun 01	S	N
26	041	Current events news analysis and features distribution	D	122 Nov 07	Ş	Y
27	G41	Entertainment and education services in the nature of a series of short shows featuring (indicate subject matter or type of show, e.g. variety, news, comedy) distributed to mobile handsets, which may include video, text, photos, illustrations or hypertext	A	08 May 08	S 	N
28	041	Entertainment and educational services, namely, providing a website that displays various requests, reviews, recommendations, rankings, trackings, votes, and information relating to uncreated, unreleased, new, special, popular, and rare products, services, and events in the fields of pop culture, entertainment, education, lifestyle, and sports, all exclusively for non-business and non-commercial transactions and purposes	Α	21 Aug 08	S	N
29	D41	Entertainment and educational services, namely, providing a website that displays various requests, reviews, recommendations, rankings, trackings, votes, and information relating to uncreated, unreleased, new, special, popular, and rare products, services, and events in the fields of pop culture, entertainment, education, lifestyle, and sports, all exclusively for non-business and non-commercial transactions and purposes	A	21 Aug 08	S	N
30	D41	Entertainment in the nature of on-going television programs in the field of (indicate specific field, e.g news, comedy, variety)	A	02 Apr 91	S	N
31	D41	Entertainment in the nature of television news shows	Α_	02 Apr 91	S	Ņ
32	D41	Entertainment in the nature of visual and audio performances, and musical, variety, news and comedy shows	^	01 Jun 01	8	, N
33	041	Entertainment in the nature of an on-going special variety, news, music or comedy show featuring (indicate subject matter) broadcast over television, satellite, audio, and video media	Α	10 May 07		N
34	D41	Entertainment, namely, a continuing (indicate type, e.g. variety, news, comedy) show broadcast over television, satellite, audic, and video media	Α	02 Apr 91		N
<u>35</u>	041	Entertainment, namely, television news shows	Α	02 Apr 91	S	N
36	041	News agencies, namely, gathering and dissemination of news	М	01 Jan 02	_ S	Y
37	041	News reporter services in the nature of news analysis and news commentary	Α		S	N
38	041	News reporters services	М	06 May 05	S	Y
39	041	News syndication for the broadcasting industry	М	01 Jan 02		ĮΥ
40	041	News syndication reporting	М	01 Jan 02	,	Y
41	041	Providing a web site featuring on-line publications in the field of news articles for children	Α	17 Jan 08	S	N
42	D41	Providing an Internet news portal featuring links to news stories and articles in the field of current events	Α	26 Jun 98	S	N
43	D41	Providing information, news and commentary in the field of entertainment relating to the gay community	Α	10 May 07	S	N
44	041	Providing information, news and commentary in the field of current events relating to the gay community	Α	10 May 07	S	N
<u>45</u>		Providing information news and commentary in the field of entertainment	Д	31 May 07	S	M

## http://atlas/netacgi/nph-brs?sect2=THESOFF&sect3=PLURON&s1=news&l=MAX&sect1=IDMLICQN&sect4=HITOFF&op1=AND&d=TI DM&p=1&u=%2Fnetahtml%2Ftidm.html&j=0&f=S 08/22/2008 02:48:02 PM

45	D41	Providing information, news and commentary in the field of entertainment	A	31 May 07	S	N	
16	041	Providing information, news and commentary in the field of recreation and leisure activities	A	26 Jul 07	S	N	
17	D41	Providing information and news in the field of teaching methodology and education	Α	27 Sep 07	S	N	
8	041	Providing information, news and commentary in the field of current events relating to the gay, lesbian, bisexual and transgender community	Α	08 May 08	S	N	
9	041	Providing news and information in the field of sports	Α_	10 May 07	S	N	
Ō	D41	Providing news and information on the sport of golf	Α	20 Sep 07	S	! N	
1	041	Providing news in the nature of current event reporting	Α	01 Feb 02	S	ΥΥ	
2	D41	Providing or-line information and news in the field of employment training	Α_	01 Jul 01	S	<u>N</u>	
3	041	Providing wrestling news and information via a global computer network	Α	03 Jan 08	S	N	
4	042	Computer services, namely, providing databases featuring general and local news, and information of interest to specific geographic areas	D	01 Jan 02	S		
5	Π42	Conducting early evaluations in the field of new pharmaceuticals	А	20.1⊓1.04	<u> </u>	N	Т
5	042	Design and testing for new product development	Α	D2 Apr 91	_S	N	
7	042	Design and testing of new products for others	Α	02 Apr 91	<u>s</u>	N	Т
8	042	Development of new technology for others in the field of (indicate field, e.g., genomics, biotechnology)	Α	01 Jun 01	S	N	
9	042	Environmental services, namely, technical consultation in the field of environmental science, engineering services, design for others in the field of environmental engineering, designing and testing of new environmentally friendly products for others	Α	D1 Mar 06	S	N :	
	042	Inspection services for new and used vehicles for persons buying or selling their vehicles	Α	01 Jul <b>04</b>	S	N	
1	842	Research and development for new products for others	A	02 Apr 91	S	N	_
2	042	Research and development of new products	A	29 Nov 07	S	N	Т
3	842	Think tank services, namely, providing new ideas and concepts for web-based applications for others	Α	31 Jan 08	S	N	
4	D43	Providing information, news and commentary in the field of dining	Α	31 May 07	S	N	
5	043	Providing news and information in the field of drinks	A	29 Mar 07	S	N	
6	044	Providing news and information in the field of dentistry	Α	19 Jul 07		N	
7	044	Providing news and information in the field of personal beauty	Α_	31 Jan 08	S	N	
₿.	045	Providing news and information in the field of fashion	Α	31 Jan 08	S	N	
9	045	Providing news concerning homeland safety and security issues	<u>A</u>	18 May 07	S	N	
0		Providing on-line information and news in the field of law	Α	10 Jul 08	\$	į N	. ,,,

Refined	Search:	NEWS

Submit Query

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To:

The Chamber of Commerce of the United St ETC. (

tmdocketdc(a)kenyon.com)

Subject:

TRADEMARK APPLICATION NO. 77147075 - NATIONAL CHAMBER -

11904-185

Sent:

8/22/2008 3:05:57 PM

Sent As:

ECOM102@USPTO.GOV

Attachments:

## IMPORTANT NOTICE USPTO OFFICE ACTION HAS ISSUED ON 8/22/2008 FOR APPLICATION SERIAL NO. 77147075

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http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial\_number=77147075&doc\_type=OOA&

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http://tmportal.uspto.gov/external/portal/tow and enter the application serial number to access the

Office action.

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**RESPONSE MAY BE REQUIRED:** You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable <u>response</u> <u>time period</u>. Your response deadline will be calculated from 8/22/2008.

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2. Failure to file any required response by the applicable deadline will result in the <u>ABANDONMENT</u> of your application.						

# Exhibit F

## **Response to Office Action**

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77147075
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (no cl	hange)
GOODS AND/OR SERV	ICES SECTION (current)
INTERNATIONAL CLASS	035
DESCRIPTION	
Chambers of Commerce;	r information services featuring information regarding local and state providing business information and news; administration of a discount ants to obtain discounts on goods and services
FILING BASIS	Section 1(b)
GOODS AND/OR SERV	ICES SECTION (proposed)
INTERNATIONAL CLASS	035
TRACKED TEXT DESCRIP	MON
Chambers of Commerce:	information services featuring information regarding local and state [providing business information and news]; providing information and news ministration of a discount program enabling participants to obtain discounts
FINAL DESCRIPTION	. B Personal
Chambers of Commerce;	r information services featuring information regarding local and state providing information and news in the field of business; administration of a g participants to obtain discounts on goods and services
FILING BASIS	Section 1(b)
ADDITIONAL STATEM	MENTS SECTION

As requested, Applicant has amended its recitation of services as to the nature of news provided. The Examining Attorney had also requested that Applicant amend the current recitation of services "administration of a discount program enabling participants to obtain discounts on goods and

## MISCELLANEOUS STATEMENT

services" to read "administration of a discount program for others enabling participants to obtain discounts on goods and services." Applicant respectfully submits that the addition of the wording "for others" is not required by current Office practice. The attached print-out shows that the Office's Trademark ID Manual allows the recitation "administration of a program for enabling participants to obtain discounts on goods and receive improved services" (Please see that attached excerpt, third entry). Applicant's recitation is almost verbatim that found in the Manual. As such, Applicant should not be required to modify its current wording. Applicant requests that the Examining Attorney reconsider and withdraw the amendment requirement. Finally, the Examining Attorney has maintained the refusal to register the mark under Section 2(e)(1) of the Trademark Act. Applicant maintains that its mark should be registered and hereby requests that the Appeal be resumed. Any questions the Examining Attorney may have on this matter may be directed to the undersigned attorney.

#### MISCELLANEOUS FILE NAME(S)

ORIGINAL PDF FILE	M-6310222127-115339538 , 11904-185 NATIONAL CHAMBER - ID Manual.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT5\IMAGEOUT5\771\470\77147075\xml1\ROA0002.JPG
	\\TICRS\EXPORT5\IMAGEOUT5\771\470\77147075\xml1\ROA0003.JPG
SIGNATURE SECTION	**************************************
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/William M. Merone/
SIGNATORY'S NAME	William M. Merone
SIGNATORY'S POSITION	Attorney of records, Virginia bar member
DATE SIGNED	02/03/2009
AUTHORIZED SIGNATORY	YES
FILING INFORMATIO	N SECTION
SUBMIT DATE	Tue Feb 03 16:13:34 EST 2009
TEAS STAMP	USPTO/ROA-63.102.221.27-2 0090203161334752217-77147 075-44034d74346d2eaff9a98 9e8e0f27387a-N/A-N/A-2009

PTO PARE 1047 (New Jeffelië) ONEERS 0651-1060 (Fig. 1007) en

## **Response to Office Action**

## To the Commissioner for Trademarks:

Application serial no. 77147075 has been amended as follows:

## CLASSIFICATION AND LISTING OF GOODS/SERVICES

## Applicant proposes to amend the following class of goods/services in the application:

Current: Class 035 for Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing business information and news; administration of a discount program enabling participants to obtain discounts on goods and services Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

### Proposed:

Tracked Text Description: Providing online directory information services featuring information regarding local and state Chambers of Commerce; [providing business information and news in the field of business; administration of a discount program enabling participants to obtain discounts on goods and services Class 035 for Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business; administration of a discount program enabling participants to obtain discounts on goods and services

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

### ADDITIONAL STATEMENTS

As requested, Applicant has amended its recitation of services as to the nature of news provided. The Examining Attorney had also requested that Applicant amend the current recitation of services "administration of a discount program enabling participants to obtain discounts on goods and services" to read "administration of a discount program for others enabling participants to obtain discounts on goods and services." Applicant respectfully submits that the addition of the wording "for others" is not required by current Office practice. The attached print-out shows that the Office's Trademark ID Manual allows the recitation "administration of a program for enabling participants to obtain discounts on goods and receive improved services" (Please see that attached excerpt, third entry). Applicant's recitation is almost verbatim that found in the Manual. As such, Applicant should not be required to modify its current wording. Applicant requests that the Examining Attorney reconsider and withdraw the amendment requirement.

Finally, the Examining Attorney has maintained the refusal to register the mark under Section 2(e)(1) of the Trademark Act. Applicant maintains that its mark should be registered and hereby requests that the Appeal be resumed. Any questions the Examining Attorney may have on this matter may be directed to the undersigned attorney.

## Original PDF file:

M-6310222127-115339538 . 11904-185 NATIONAL CHAMBER - ID Manual.pdf

## Converted PDF file(s) (2 pages)

Miscellaneous File 1 Miscellaneous File 2

## SIGNATURE(S)

## **Declaration Signature**

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

## Response Signature

Signature: /William M. Merone/ Date: 02/03/2009

Signatory's Name: William M. Merone

Signatory's Position: Attorney of records, Virginia bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77147075

Internet Transmission Date: Tue Feb 03 16:13:34 EST 2009 TEAS Stamp: USPTO/ROA-63.102.221.27-2009020316133475

2217-77147075-44034d74346d2eaff9a989e8e0 f27387a-N/A-N/A-20090203115339538176



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Trademarks > Trademark Acceptable Identification of Goods & Services

## Trademark ID Manual

	IS ASSOCIATE	 			
Refine Search:	DISCOUNT	 	 	 -	 

Documents: 1 - 15 of 15

Hit No.	Class	Description	Status	Effective Date	Туре	Note	Trilateral
1	016	Guide books featuring (specify area or subject matter, e.g., travel, discount shopping)	A	02 Apr 91	G	N	
2	035	Administration of a discount program for enabling participants to obtain discounts on goods and services through use of a discount membership card	A	01 Jun 01	S	Y	T
3	035	Administration of a program for enabling participants to obtain discounts on goods and receive improved services	A	01 Jun 06	S	N	
4	035	An interactive web site for users to review and rate internet content, people, companies, products and/or services utilizing a software application to award points whereby web site users are eligible to exchange points earned for promotional items consisting of coupons, rebates, discounts or special offerings on goods and/or service provided by web site sponsors	A	13 Dec 07	S	N N	
5	035	Discount stores in the field of {indicate field, e.g. women's clothing, sporting goods, cameras}	M	02 Jan 97	Ş	N	
6	035	Membership club services providing discounts and processing rebates for the services of others	Α	15 Mar 07	S	N	
7	035	Membership club services providing discounts to members on real estate commissions and mortgage fees	_ A	26 Jun 08	S	N	
8	035	Promoting the goods and services of others through the distribution of discount cards	A	02 Apr 91	S	N	T
9	035	Promoting the goods and services of others by providing a web site featuring coupons, rebates, price-comparison information, product reviews, links to the retail web sites of others, and discount information	A	31 May 07	S	N	
10		Promoting the goods and services of others by providing a community-driven web site featuring user-submitted content in the nature of coupons, rebates, price-comparison information, product reviews, links to the retail web sites of others, and discount information	A	01 Nov 07	S	Z	

11	ŀ	Retail discount store services in the field of (indicate field of goods, e.g., consumer electronics, clothing, general consumer merchandise, food)	A	01 Mar 03	s	N	
12	036	Discount securities brokerage services	М (	14 Feb 08	S	Υ	
13	036	Loans [financing] and discount of bills	Α	20 Jul 04	S	N	T
14	036	On-line discount securities brokerage services	Α	14 Feb 08	S	N	
15	041	Providing casino services featuring stored value membership cards for redeeming cash, discounts, and other benefits	A	08 May 08	S	N	

Refined	Search:	DISCO	UNT



Return to Search

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# Exhibit G

To:

The Chamber of Commerce of the United St ETC. (

tmdocketde@kenyon.com)

Subject:

TRADEMARK APPLICATION NO. 77147075 - NATIONAL CHAMBER -

11904-185

Sent:

2/18/2009 9:29:21 PM

Sent As:

ECOM102@USPTO.GOV

**Attachments:** 

## UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO:

77/147075

MARK: NATIONAL CHAMBER

\*77147075\*

**CORRESPONDENT ADDRESS:** 

WILLIAM M. MERONE KENYON & KENYON LLP 1500 K ST NW STE 700 WASHINGTON, DC 20005-1257 RESPOND TO THIS ACTION:

http://www.uspto.gov/teas/eTEASpageD.htm

GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/main/trademarks.htm

APPLICANT:

The Chamber of Commerce of

the United St ETC.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

11904-185

CORRESPONDENT E-MAIL ADDRESS:

tmdocketdc@kenyon.com

## OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

## ISSUE/MAILING DATE: 2/18/2009

Applicant's response filed on February 3, 2009, failed to provide an acceptable amendment to the identification of services. The Section 2(e)(1) refusal is continued. Further, after reviewing the entire record, the examining attorney has determined that applicant must provide information requested immediately below.

### **Information Requirement**

Sometimes, it is necessary for the examining attorney to request additional information from an applicant in order to examine the application properly. 37 C.F.R. §2.61(b); see also In re Air Products and Chemicals, Inc., 192 USPQ 157 (TTAB 1976); 37 C.F.R. §2.61(b). If applicant does not comply with a requirement for information, registration may be refused. See 37 C.F.R. §2.61(b).

After reviewing applicant's responses relative to the Section 2(e)(1) refusal, the examining attorney has determined that applicant raised an issue that must be addressed before the application is finally refused. Specifically, applicant has indicated that it has not yet made use of its mark NATIONAL CHAMBER and therefore the evidence of record does not support the refusal. Although the amended identification of services supports the refusal, to eliminate any ambiguities the examining attorney is requiring applicant to answer the question below.

Will applicant use the proposed mark in connection with a national directory of chambers of commerce?

The validity of a trademark registration is based upon applicant's material representations of fact in connection with their application. See Torres v. Cantine Torresella S. r. 1., 808 F.2d 46, 1 USPQ2d 1483, 1484 (Fed. Cir. 1986).

## Refusal - Section 2(e)(1) - Continued

The examining attorney refused registration on the Principal Register because the proposed mark merely describes the services. Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1); TMEP §1209 et seq.

A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. 1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant services. In re Gyulay, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); In re Bed & Breakfast Registry, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); In re MetPath Inc., 223 USPQ 88 (TTAB 1984); In re Bright? Crest, Ltd., 204 USPQ 591 (TTAB 1979); TMEP §1209.03.

The examining attorney must consider whether a mark is merely descriptive in relation to the identified services, not in the abstract. In re Omaha National Corp., 819 F.2d 1117, 2 USPQ2d 1859 (Fed. Cir. 1987); In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215 (CCPA 1978); In re Venture Lending Associates, 226 USPQ 285 (TTAB 1985).

The applicant's proposed mark is NATIONAL CHAMBER for "providing online directory information services featuring information regarding local and state chambers of commerce; providing information and news in the field of business; administration of a discount program enabling participants to obtain discounts on goods and services." As used therewith, the proposed mark immediately imparts information about an important feature, function or purpose of the identified services as the evidence of record illustrates. Consequently, the refusal is continued.

### **Identification of Services**

The examining attorney may require an amendment of the identification language to accurately describe the services. In re Water Gremlin Co., 635 F.2d 841, 208 USPQ 89 (C.C.P.A. 1980), aff'g 204 USPQ 261 (TTAB 1979). The examining attorney advised applicant in the prior office action that the term "business" would be too vague in describing the type of news. However, applicant failed to clarify the type of business news.

Applicant must amend certain wording as indicated below because the amended identification of services is unacceptable. See TMEP §§1402.01, 1402.03. The requirement to add the wording "of others" has been withdrawn.

"providing online directory information services featuring information regarding local and state chambers of commerce; providing information and news in the field of business, namely, [specify subject matter of business news]; administration of a discount program enabling participants to obtain discounts on goods and services" in Class 35.

Identifications of services can be amended only to clarify or limit the services; adding to or broadening the scope of the services is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 et seq., 1402.07. Therefore, applicant may not amend the identification to include services that are not within the scope of the services set forth in the present identification.

Christopher L. Buongiorno/ /Christopher L. Buongiorno/ Law Office 102 (571) 272-9251

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <a href="http://www.uspto.gov/teas/eTEASpageD.htm">http://www.uspto.gov/teas/eTEASpageD.htm</a>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For technical assistance with the form, please e-mail <a href="https://www.uspto.gov">TEAS@uspto.gov</a>. For questions about the Office action itself, please contact the assigned examining attorney. Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <a href="http://tarr.uspto.gov">http://tarr.uspto.gov</a>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To:

The Chamber of Commerce of the United St ETC. (

tmdocketdc@kenyon.com)

Subject:

TRADEMARK APPLICATION NO. 77147075 - NATIONAL CHAMBER -

11904-185

Sent:

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**Attachments:** 

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## WARNING

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2. Failure to file any required response by the applicable deadline will result in the <u>ABANDONMENT</u> of your application.

# Exhibit H

# **Response to Office Action**

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**	c table below processes
Input Field	Entered
SERIAL NUMBER	77147075
LAW OFFICE ASSIGNED	LAW OFFICE 102

### MARK SECTION (no change)

### ARGUMENT(S)

# Response to Refusal Based on Identification of Services

The application presently covers the following services in Class 35:

Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business; administration of a discount program enabling participants to obtain discounts on goods and services

The Examining Attorney has objected in part to this identification, arguing that the service of "providing information and news in the field of business" is too vague, and that the type of "news" being provided needed to be further clarified. The Examining Attorney suggested that this service could be amended to say "providing information and news in the field of business, namely, [specify subject matter of business news]".

In response, Applicant has amended its recitation of services to read as follows:

Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, <u>namely information</u> and news on current events and on economic, legislative, and regulatory developments that can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services

Applicant submits that the proposed amendment further defines the service in question and, thus, should be considered acceptable.

# Response to Information Request

The Examining Attorney has requested additional information from Applicant pursuant to 37 CFR §2.61(b), which provides that an Examining Attorney may require an applicant to furnish such information as "may be reasonably necessary to the proper examination of the application." To that end,

the Examining Attorney asks Applicant if it intends to "use the proposed mark in connection with a national directory of chambers of commerce?"

In response, Applicant states that it intends to use its NATIONAL CHAMBER mark in connection with the services at issue in this application, which services (as amended) presently include "providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments that can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services" Applicant believes this information should be sufficient for proper examination.

# Response to Continued Descriptiveness Refusal

Lastly, the Examining Attorney has maintained the refusal to register the mark under Section 2(e)(1) of the Trademark Act. Applicant continues to maintain that its mark is not descriptive for the specified services and that it should be registered.

In further support of Applicant's argument, which is set forth more fully in the response of December 5, 2007, Applicant wishes to make of record the following registrations (active and cancelled), which are owned by Applicant or its affiliated entities.

U.S. Reg. No. 1436813 (NATIONAL CHAMBER) (cancelled)

association services, namely promoting the interest of business men and women (Cl. 42)

U.S. Reg. No. 1657730 (NATIONAL CHAMBER LITIGATION CENTER) (cancelled)

association services; namely, promoting the interests of business men and women (Cl. 42)

U.S. Reg. No. 2947298 (NCF NATIONAL CHAMBER FOUNDATION & Design)

association services; namely, promoting the interests of business men and women (Cl. 35)

U.S. Reg. No. 2892713 (NATIONAL CHAMBER LITIGATION CENTER)

association services; namely, promoting the interests of business men and women (Cl. 35)

U.S. Reg. No. 2804476 (NATIONAL CHAMBER FOUNDATION)

association services, namely promoting the interest of business men and women (Cl. 35)

### Conclusion

In view of the foregoing amendments and arguments, Applicant respectfully submits that the application is now in condition for allowance. Any questions the Examining Attorney may have on this matter may be directed to the undersigned attorney.

EVIDENCE FILE NAM	E(S)
ORIGINAL PDF FILE	evi 198243170-170601837 . US 1436813.pdf
CONVERTED PDF FILE(S) (3 pages)	\\\TICRS\EXPORT7\\IMAGEOUT7\\771\\470\\77147075\\xm11\\ROA0002.JPG
	\\TICRS\EXPORT7\IMAGEOUT7\771\470\77147075\xml1\ROA0003.JPG
	\\TTCRS\EXPORT7\IMAGEOUT7\771\470\77147075\xml1\ROA0004.JPG
ORIGINAL PDF FILE	evi 198243170-170601837 . US 1657730.pdf
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ORIGINAL PDF FILE	evi 198243170-170601837 . US 2804476.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT7\IMAGEOUT7\771\470\77147075\xml1\ROA0008.JPG
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	\\TICRS\EXPORT7\IMAGEOUT7\771\470\77147075\xml1\ROA0010.JPG
ORIGINAL PDF FILE	evi 198243170-170601837 . US 2892713.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT7\IMAGEOUT7\771\470\77147075\xm11\ROA0011.JPG
	\\TICRS\EXPORT7\IMAGEOUT7\771\470\77147075\xml1\ROA0012.JPG
	\\TICRS\EXPORT7\IMAGEOUT7\771\470\77147075\xm11\ROA0013.JPG
ORIGINAL PDF FILE	evi 198243170-170601837 . US 2947298.pdf
CONVERTED PDF FILE(S) (4 pages)	\\\TICRS\EXPORT7\IMAGEOUT7\771\470\77147075\xm11\ROA0014.JPG
	\\TICRS\EXPORT7\IMAGEOUT7\771\470\77147075\xm11\ROA0015.JPG
	\\TJCRS\EXPORT7\IMAGEOUT7\771\470\77147075\xml1\ROA0016.JPG
	\\TICRS\EXPORT7\IMAGEOUT7\771\470\77147075\xml1\ROA0017.JPG
DESCRIPTION OF EVIDENCE FILE	TARR printous of Applicant's other NATIONAL CHAMBER registrations

# GOODS AND/OR SERVICES SECTION (current)

INTERNATIONAL CLASS

: 035

### DESCRIPTION

Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business; administration of a discount program enabling participants to obtain discounts on goods and services

FILING BASIS

Section 1(b)

# GOODS AND/OR SERVICES SECTION (proposed)

INTERNATIONAL CLASS

035

### TRACKED TEXT DESCRIPTION

Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business; providing information and news in the field of business, namely information and news on current events and on economic. legislative, and regulatory developments that can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services

### FINAL DESCRIPTION

Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments that can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services

FILING BASIS	Section 1(b)
SIGNATURE SECTION	V
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/William M. Merone/
SIGNATORY'S NAME	William M. Merone
SIGNATORY'S POSITION	Counsel of Record; VSB 38861
DATE SIGNED	08/07/2009
AUTHORIZED SIGNATORY	YES
	NI CECTION

### FILING INFORMATION SECTION

SUBMIT DATE

Fri Aug 07 17:14:13 EDT 2009

TEAS STAMP

USPTO/ROA-198.24.31.70-20 090807171413368829-771470 75-430c46cad69f09754de155 1611547ea0d7-N/A-N/A-2009 0807170601837527

PERSONAL THE AND THE STATE OF THE PERSON OF

# Response to Office Action

# To the Commissioner for Trademarks:

Application serial no. 77147075 has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

### Response to Refusal Based on Identification of Services

The application presently covers the following services in Class 35:

Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business; administration of a discount program enabling participants to obtain discounts on goods and services

The Examining Attorney has objected in part to this identification, arguing that the service of "providing information and news in the field of business" is too vague, and that the type of "news" being provided needed to be further clarified. The Examining Attorney suggested that this service could be amended to say "providing information and news in the field of business, namely, [specify subject matter of business news]".

In response, Applicant has amended its recitation of services to read as follows:

Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments that can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services

Applicant submits that the proposed amendment further defines the service in question and, thus, should be considered acceptable.

# Response to Information Request

The Examining Attorney has requested additional information from Applicant pursuant to 37 CFR §2.61(b), which provides that an Examining Attorney may require an applicant to furnish such information as "may be reasonably necessary to the proper examination of the application." To that end, the Examining Attorney asks Applicant if it intends to "use the proposed mark in connection with a national directory of chambers of commerce?"

In response, Applicant states that it intends to use its NATIONAL CHAMBER mark in connection with the services at issue in this application, which services (as amended) presently include "providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments that can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services" Applicant believes this information should be sufficient for proper examination.

# Response to Continued Descriptiveness Refusal

Lastly, the Examining Attorney has maintained the refusal to register the mark under Section 2(e)(1) of the Trademark Act. Applicant continues to maintain that its mark is not descriptive for the specified services and that it should be registered.

In further support of Applicant's argument, which is set forth more fully in the response of December 5, 2007, Applicant wishes to make of record the following registrations (active and cancelled), which are owned by Applicant or its affiliated entities.

U.S. Reg. No. 1436813 (NATIONAL CHAMBER) (cancelled)

association services, namely promoting the interest of business men and women (Cl. 42)

U.S. Reg. No. 1657730 (NATIONAL CHAMBER LITIGATION CENTER) (cancelled)

association services; namely, promoting the interests of business men and women (Cl. 42)

U.S. Reg. No. 2947298 (NCF NATIONAL CHAMBER FOUNDATION & Design)

association services; namely, promoting the interests of business men and women (Cl. 35)

U.S. Reg. No. 2892713 (NATIONAL CHAMBER LITIGATION CENTER)

association services; namely, promoting the interests of business men and women (Cl. 35)

U.S. Reg. No. 2804476 (NATIONAL CHAMBER FOUNDATION)

association services, namely promoting the interest of business men and women (Cl. 35)

### Conclusion

In view of the foregoing amendments and arguments, Applicant respectfully submits that the application is now in condition for allowance. Any questions the Examining Attorney may have on this matter may be directed to the undersigned attorney.

### **EVIDENCE**

Evidence in the nature of TARR printous of Applicant's other NATIONAL CHAMBER registrations has been attached.

### Original PDF file:

evi 198243170-170601837 . US 1436813.pdf

### Converted PDF file(s) (3 pages)

Evidence-1

Evidence-2

Evidence-3

# Original PDF file:

evi 198243170-170601837 . US 1657730.pdf

# Converted PDF file(s) (3 pages)

Evidence-1

Evidence-2

Evidence-3

### Original PDF file:

evi 198243170-170601837 . US 2804476.pdf

### Converted PDF file(s) (3 pages)

Evidence-1

Evidence-2

Evidence-3

### Original PDF file:

evi 198243170-170601837 . US 2892713.pdf

### Converted PDF file(s) (3 pages)

Evidence-L

Evidence-2

Evidence-3

### Original PDF file:

evi 198243170-170601837 . US 2947298.pdf

### Converted PDF file(s) (4 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

# CLASSIFICATION AND LISTING OF GOODS/SERVICES

# Applicant proposes to amend the following class of goods/services in the application:

Current: Class 035 for Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business; administration of a discount program enabling participants to obtain discounts on goods and services Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

### Proposed:

Tracked Text Description: Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments that can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services Class 035 for Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments that can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

### SIGNATURE(S)

### **Declaration Signature**

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

### Response Signature

Signature: /William M. Merone/ Date: 08/07/2009

Signatory's Name: William M. Merone

Signatory's Position: Counsel of Record; VSB 38861

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77147075

Internet Transmission Date: Fri Aug 07 17:14:13 EDT 2009 TEAS Stamp: USPTO/ROA-198.24.31.70-20090807171413368

829-77147075-430c46cad69f09754de15516115 47ea0d7-N/A-N/A-20090807170601837527 Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-08-07 16:45:57 ET

Serial Number: 73461692 <u>Assignment Information</u> <u>Trademark Document Retrieval</u>

**Registration Number: 1436813** 

Mark (words only): NATIONAL CHAMBER

Standard Character claim: No

Current Status: Registration canceled under Section 8.

Date of Status: 2008-01-19

Filing Date: 1984-01-20

Transformed into a National Application: No

Registration Date: 1987-04-14

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at Trademark Assistance Center (a) uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2006-10-26

# LAST APPLICANT(S)/OWNER(S) OF RECORD

# 1. CHAMBER OF COMMERCE OF THE UNITED STATES, THE

### Address:

CHAMBER OF COMMERCE OF THE UNITED STATES, THE 1615 H STREET, N.W. WASHINGTON, DC 20062

United States

Legal Entity Type: Corporation

# State or Country of Incorporation: D.C.

### GOODS AND/OR SERVICES

**International Class: 042** 

Class Status: Section 8 - Cancelled

ASSOCIATION SERVICES, NAMELY PROMOTING THE INTEREST OF BUSINESS MEN AND

WOMEN
Basis: 1(a)

First Use Date: 1915-12-04

First Use in Commerce Date: 1915-12-04

# ADDITIONAL INFORMATION

(NOT AVAILABLE)

# MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

# PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-01-19 - Canceled Section 8 (10-year)/Expired Section 9

2007-06-19 - Counter claim opp. for Proceeding No.

2006-10-26 - Case File In TICRS

2006-07-25 - Counter claim canc.for Proceeding

2005-03-02 - Attorney Revoked And/Or Appointed

2005-03-02 - TEAS Revoke/Appoint Attorney Received

2003-01-27 - TEAS Change Of Correspondence Received

1993-03-17 - Section 8 (6-year) accepted & Section 15 acknowledged

1992-12-02 - Section 8 (6-year) and Section 15 Filed

1987-04-14 - Registered - Principal Register

1987-01-20 - Published for opposition

1986-12-18 - Notice of publication

1986-11-20 - Approved for Pub - Principal Register (Initial exam)

1986-10-03 - Communication received from applicant

1986-05-16 - Non-final action mailed

1984-12-20 - Communication received from applicant

1986-03-24 - Allowance/count withdrawn

1985-01-09 - Non-final action mailed

1984-11-20 - Assigned To Examiner

1984-09-07 - Communication received from applicant

1984-08-30 - Communication received from applicant

1984-06-15 - Non-final action mailed

1984-05-15 - Assigned To Examiner

# ATTORNEY/CORRESPONDENT INFORMATION

# Attorney of Record

Edward T. Colbert

# Correspondent

Edward T. Colbert

Kenyon & Kenyon

Suite 700

1500 K Street, NW

Washington DC 20005-1257 Phone Number: 202-220-4200 Fax Number: 202-220-4201 Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-08-07 16:46:41 ET

Serial Number: 74079346 Assignment Information Trademark Document Retrieval

**Registration Number:** 1657730

Mark (words only): NATIONAL CHAMBER LITIGATION CENTER

Standard Character claim: No

Current Status: Registration canceled under Section 8.

**Date of Status: 2002-06-26** 

Filing Date: 1990-07-18

Transformed into a National Application: No

Registration Date: 1991-09-17

Register: Principal

Law Office Assigned: LAW OFFICE 5

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at <u>TrademarkAssistanceCenter@uspto.gov</u>

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-07-28

# LAST APPLICANT(S)/OWNER(S) OF RECORD

1. NATIONAL CHAMBER LITIGATION CENTER, INC.

### Address:

NATIONAL CHAMBER LITIGATION CENTER, INC.

1615 H Street, N.W.

Washington, DC 20062

United States

Legal Entity Type: Corporation

# State or Country of Incorporation: D.C.

# GOODS AND/OR SERVICES

**International Class: 042** 

Class Status: Section 8 - Cancelled

association services; namely, promoting the interests of business men and women

Basis: 1(a)

First Use Date: 1977-04-00

First Use in Commerce Date: 1977-04-00

# ADDITIONAL INFORMATION

Disclaimer: "LITIGATION CENTER"

# MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### **PROSECUTION HISTORY**

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2005-03-02 - Attorney Revoked And/Or Appointed

2005-03-02 - TEAS Revoke/Appoint Attorney Received

2003-07-22 - Petition To Director Denied

2003-06-27 - FAX RECEIVED

2003-05-09 - Request for reconsideration - Received

2003-05-09 - PAPER RECEIVED

2003-04-01 - Petition To Director Denied

2003-01-22 - Petition To Director Received

2003-01-22 - PAPER RECEIVED

- 2002-10-03 TEAS Change Of Correspondence Received
- 2002-06-26 Canceled Section 8 (10 year)
- 2001-07-16 Post Registration action mailed Sections 8 & 9
- 2001-04-16 Combined Section 8 (10-year)/Section 9 filed
- 1997-10-03 Section 8 (6-year) accepted & Section 15 acknowledged
- 1997-08-25 Section 8 (6-year) and Section 15 Filed
- 1991-09-17 Registered Principal Register
- 1991-06-25 Published for opposition
- 1991-05-24 Notice of publication
- 1991-02-27 Approved for Pub Principal Register (Initial exam)
- 1991-02-12 Examiner's amendment mailed
- 1991-02-11 Allowance/count withdrawn
- 1991-01-28 Examiner's amendment mailed
- 1990-12-20 Assigned To Examiner
- 1990-12-15 Assigned To Examiner

# ATTORNEY/CORRESPONDENT INFORMATION

# **Attorney of Record**

Edward T. Colbert

# Correspondent

Edward T. Colbert

Kenyon & Kenyon

Suite 700

1500 K Street, NW

Washington DC 20005-1257 Phone Number: 202-220-4200 Fax Number: 202-220-4201 Thank you for your request. Here are the latest results from the <u>TARR web server</u>.

This page was generated by the TARR system on 2009-08-07 16:52:24 ET

Serial Number: 76487556 Assignment Information Trademark Document Retrieval

**Registration Number: 2804476** 

Mark (words only): NATIONAL CHAMBER FOUNDATION

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2009-03-12

Filing Date: 2003-02-04

Transformed into a National Application: No

Registration Date: 2004-01-13

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at <a href="mailto:TrademarkAssistanceCenter@uspto.gov">TrademarkAssistanceCenter@uspto.gov</a>

Current Location: 830 -Post Registration

Date In Location: 2009-03-12

# LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Chamber of Commerce of the United States

### Address:

Chamber of Commerce of the United States 1615 H Street, N.W. Washington, DC 20062 United States

Legal Entity Type: Corporation

# State or Country of Incorporation: D.C.

# GOODS AND/OR SERVICES

**International Class: 035** 

Class Status: Active

ASSOCIATION SERVICES, NAMELY, PROMOTING THE INTERESTS OF BUSINESSMEN AND

BUSINESSWOMEN

Basis: 1(a)

First Use Date: 1967-06-26

First Use in Commerce Date: 1967-06-26

### ADDITIONAL INFORMATION

**Disclaimer:** "FOUNDATION"

Prior Registration Number(s):

1436813

# MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

# PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-03-12 - Section 8 (6-year) accepted & Section 15 acknowledged

2009-03-04 - Assigned To Paralegal

2009-02-26 - TEAS Section 8 & 15 Received

2005-03-02 - Attorney Revoked And/Or Appointed

2005-03-02 - TEAS Revoke/Appoint Attorney Received

2004-01-13 - Registered - Principal Register

2003-10-21 - Published for opposition

2003-10-01 - Notice of publication

2003-08-05 - Approved for Pub - Principal Register (Initial exam)

2003-08-05 - Examiner's amendment mailed

2003-07-25 - Non-final action mailed

2003-07-24 - Assigned To Examiner

# ATTORNEY/CORRESPONDENT INFORMATION

# Attorney of Record

William M. Merone

# Correspondent

William M. Merone Kenyon & Kenyon LLP 1500 K Street, NW

Suite 700

Washington DC 20005-1257 Phone Number: 202-220-4200 Fax Number: 202-220-4201

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-08-07 16:50:47 ET

Serial Number: 76509366 Assignment Information Trademark Document Retrieval

Registration Number: 2892713

Mark (words only): NATIONAL CHAMBER LITIGATION CENTER

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-10-12

Filing Date: 2003-04-25

Transformed into a National Application: No

Registration Date: 2004-10-12

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 - Publication And Issue Section

Date In Location: 2004-10-12

# LAST APPLICANT(S)/OWNER(S) OF RECORD

1. NATIONAL CHAMBER LITIGATION CENTER, INC.

# Address:

NATIONAL CHAMBER LITIGATION CENTER, INC.

1615 H Street N.W.

Washington, DC 20062

United States

Legal Entity Type: Corporation

State or Country of Incorporation: D.C.

### GOODS AND/OR SERVICES

**International Class: 035** 

Class Status: Active

ASSOCIATION SERVICES; NAMELY, PROMOTING THE INTERESTS OF BUSINESS MEN AND

WOMEN
Basis: 1(a)

First Use Date: 1977-04-00

First Use in Commerce Date: 1977-04-00

# ADDITIONAL INFORMATION

Disclaimer: "LITIGATION CENTER"

# MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

# PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2005-03-02 - Attorney Revoked And/Or Appointed

2005-03-02 - TEAS Revoke/Appoint Attorney Received

2004-10-12 - Registered - Principal Register

2004-07-20 - Published for opposition

2004-06-30 - Notice of publication

2004-05-01 - Approved for Pub - Principal Register (Initial exam)

2004-03-29 - Communication received from applicant

2004-03-29 - PAPER RECEIVED

2003-10-03 - Non-final action mailed

2003-10-02 - Assigned To Examiner

# ATTORNEY/CORRESPONDENT INFORMATION

# Attorney of Record

Edward T. Colbert

# Correspondent

Edward T. Colbert Kenyon & Kenyon Suite 700 1500 K Street, NW Washington DC 20005-1257

Phone Number: 202-220-4200 Fax Number: 202-220-4201

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-08-07 16:48:16 ET

Serial Number: 76487555 Assignment Information Trademark Document Retrieval

**Registration Number: 2947298** 

Mark



(words only): NCF NATIONAL CHAMBER FOUNDATION

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-05-10

Filing Date: 2003-02-04

Transformed into a National Application: No

Registration Date: 2005-05-10

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at <u>TrademarkAssistanceCenter@uspto.gov</u>

Current Location: 650 - Publication And Issue Section

Date In Location: 2005-05-10

# LAST APPLICANT(S)/OWNER(S) OF RECORD

# 1. Chamber of Commerce of the United States

### Address:

Chamber of Commerce of the United States

1615 H Street, N.W.

Washington, DC 20062

United States

Legal Entity Type: Corporation

State or Country of Incorporation: D.C.

# GOODS AND/OR SERVICES

International Class: 035

Class Status: Active

ASSOCIATION SERVICES, NAMELY, PROMOTING THE INTERESTS OF BUSINESSMEN AND

BUSINESSWOMEN

Basis: 1(a)

First Use Date: 1967-06-26

First Use in Commerce Date: 1967-06-26

# ADDITIONAL INFORMATION

Disclaimer: NATIONAL and FOUNDATION

**Design Search Code(s):** 

26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

# PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2005-05-10 - Registered - Principal Register

2005-02-15 - Published for opposition

2005-01-26 - Notice of publication

2004-12-15 - Law Office Publication Review Completed

2004-12-13 - Assigned To LIE

2004-12-08 - Approved for Pub - Principal Register (Initial exam)

2004-12-01 - Teas/Email Correspondence Entered

2004-11-19 - Communication received from applicant

2004-11-19 - Attorney Revoked And/Or Appointed

2004-11-19 - TEAS Revoke/Appoint Attorney Received

2004-11-19 - TEAS Response to Office Action Received

2004-07-20 - Final refusal mailed

2004-06-21 - Previous allowance count withdrawn

2004-04-06 - Approved for Pub - Principal Register (Initial exam)

2004-02-09 - Communication received from applicant

2004-02-09 - PAPER RECEIVED

2003-08-07 - Non-final action mailed

2003-07-23 - Assigned To Examiner

# ATTORNEY/CORRESPONDENT INFORMATION

# Attorney of Record

Edward T. Colbert

# Correspondent

Edward T. Colbert Kenyon & Kenyon Suite 700 1500 K Street, NW Latest Status Info

Washington DC 20005-1257 Phone Number: 202.220.4200

Fax Number: 202.220.4201

# **Exhibit I**

To:

The Chamber of Commerce of the United St ETC. (

tmdocketde@kenyon.com)

Subject:

U.S. TRADEMARK APPLICATION NO. 77147075 - NATIONAL

CHAMBER - 11904-185

Sent:

8/12/2009 6:53:41 PM

Sent As:

ECOM102@USPTO.GOV

Attachments:

# UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO:

77/147075

MARK: NATIONAL CHAMBER

\*77147075\*

**CORRESPONDENT ADDRESS:** 

WILLIAM M. MERONE KENYON & KENYON LLP 1500 K ST NW STE 700 WASHINGTON, DC 20005-1257 RESPOND TO THIS ACTION:

http://www.uspto.gov/teas/eTEASpageD.htm

GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/main/trademarks.htm

APPLICANT:

The Chamber of Commerce of

the United St ETC.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

11904-185

CORRESPONDENT E-MAIL ADDRESS:

tmdocketdc@kenyon.com

# OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 8/12/2009

### THIS IS A FINAL ACTION.

Applicant's response filed August 7, 2009, is acknowledged by this FINAL office action. Applicant did not provide a direct answer to the information requirement. Further, the amendment to the identification

of services identifies multiple classes of services and it is therefore unacceptable. Lastly, the mark is descriptive of the services recited in the response.

# Refusal - Section 2(e)(1) - Final

The examining attorney refused registration on the Principal Register because the proposed mark merely describes the services. Trademark Act Section 2(e)(1), 15 U.S.C. Section 1052(e)(1); TMEP §1209 et seq. Applicant questioned the basis for the refusal. In response to applicant calling into question the grounds for the refusal, the examining attorney posed an unambiguous question to applicant about a feature of the services. Applicant failed to answer this question. If applicant appeals this refusal, the Trademark Trial and Appeal Board will certainly consider applicant's evasiveness in determining the appeal. Moreover, the failure to answer the inquiry provides additional ground for refusing the mark.

Again, a mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. 1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986).

The examining attorney must consider whether a mark is merely descriptive in relation to the identified services, not in the abstract. In re Omaha National Corp., 819 F.2d 1117, 2 USPQ2d 1859 (Fed. Cir. 1987); In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215 (CCPA 1978); In re Venture Lending Associates, 226 USPQ 285 (TTAB 1985). Applicant's proposed mark is NATIONAL CHAMBER for "providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments that can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services." As used therewith, the proposed mark immediately imparts information about an important feature, function or purpose of the identified services.

Applicant has disclaimed the term CHAMBER that appears in the identification of services. Further, the term "national" is merely descriptive of services that are nationwide in scope. TMEP §1209.03(o); see, e.g., In re Nat'l Rent A Fence, Inc., 220 USPQ 479 (TTAB 1983) (holding NATIONAL RENT A FENCE merely descriptive of nationwide fence rental services); Nat'l Fid. Life Ins. v. Nat'l Ins. Trust, 199 USPQ 691 (TTAB 1978) (holding NATIONAL INSURANCE TRUST merely descriptive of services of handling administrative matters in locating suitable insurance coverage for attorneys). Consequently, the refusal is made FINAL.

### Identification of Services - Final

The examining attorney may require an amendment of the identification language to accurately describe the services. *In re Water Gremlin Co.*, 635 F.2d 841, 208 USPQ 89 (C.C.P.A. 1980), *aff'g* 204 USPQ 261 (TTAB 1979). Applicant must amend certain wording as indicated below. *See* TMEP §1402.01.

"providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely[,] information and news on

current events ["information and news on current events" are class 41 services] and on economic, legislative [term "legislative" is too ambiguous -- information on legislation is a class 45 service], and regulatory developments ["regulatory developments" is subject matter classified in class 45 regardless of the end application] that can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services" in International Class 35.

Identifications of services can be amended only to clarify or limit the services; adding to or broadening the scope of the services is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 et seq., 1402.07. Therefore, applicant may not amend the identification to include services that are not within the scope of the services set forth in the present identification.

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the following for those goods and/or services based on an intent to use the mark in commerce under Trademark Act Section 1(b):

- (1) Applicant must list the services by international class; and
  - (2) Applicant must submit a filing fee for each international class of services not covered by the fee already paid (current fee information should be confirmed at <a href="http://www.uspto.gov">http://www.uspto.gov</a>).

See 15 U.S.C. §§1051(b), 1112, 1126(e); 37 C.F.R. §§2.34(a)(2)-(3), 2.86(a); TMEP §§1403.01, 1403.02(c).

# Information Requirement -- Final

Applicant was required to answer the inquiry raised in the previous office action. Because applicant did not comply with a requirement for information, registration is refused. See 37 C.F.R. §2.61(b). Applicant should answer the inquiry with a "yes" or "no" answer.

Will applicant use the proposed mark in connection with a national directory of chambers of commerce?

The validity of a trademark registration is based upon applicant's material representations of fact in connection with their application. See Torres v. Cantine Torresella S. r. 1., 808 F.2d 46, 1 USPQ2d 1483, 1484 (Fed. Cir. 1986).

# **Applicant's Options**

If applicant does not respond within six months of the mailing date of this final Office action, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final Office action by:

- (1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or
- (2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class.

37 C.F.R. §§2.6(a)(18), 2.64(a); TBMP ch. 1200; TMEP §714.04.

In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; see 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

Christopher L. Buongiorno/ /Christopher L. Buongiorno/ Law Office 102 (571) 272-9251

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <a href="http://www.uspto.gov/teas/eTEASpageD.htm">http://www.uspto.gov/teas/eTEASpageD.htm</a>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For technical assistance with the form, please e-mail <a href="https://www.uspto.gov">TEAS@uspto.gov</a>. For questions about the Office action itself, please contact the assigned examining attorney. Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <a href="http://tarr.uspto.gov">http://tarr.uspto.gov</a>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To:

The Chamber of Commerce of the United St ETC. (

tmdocketdc@kenyon.com)

Subject:

U.S. TRADEMARK APPLICATION NO. 77147075 - NATIONAL

CHAMBER - 11904-185

Sent:

8/12/2009 6:53:43 PM

Sent As:

ECOM102@USPTO.GOV

**Attachments:** 

# IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 77147075) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 8/12/2009 to which you must respond (unless the Office letter specifically states that no response is required). Please follow these steps:

1. Read the Office letter by clicking on this <u>link</u> <a href="http://tmportal.uspto.gov/external/portal/tow?DDA=Y&scrial\_number=77147075&doc\_type=OOA&">http://tmportal.uspto.gov/external/portal/tow?DDA=Y&scrial\_number=77147075&doc\_type=OOA&</a> OR go to <a href="http://tmportal.uspto.gov/external/portal/tow">http://tmportal.uspto.gov/external/portal/tow</a> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact <a href="https://tmportal.uspto.gov/external/portal/tow">TDR@uspto.gov/external/portal/tow</a>.

**PLEASE NOTE**: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

- 2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).
- 3. Respond within 6 months, calculated from 8/12/2009 (or sooner if specified in the Office letter), using the Trademark Electronic Application System (TEAS) Response to Office Action form. If you have difficulty using TEAS, contact TEAS@uspto.gov.

# ALERT:

Failure to file any required response by the applicable deadline will result in the  $\underline{ABANDONMENT}$  (loss) of your application.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the

USPTO does NOT accept e-mailed responses.

# Exhibit J

# Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered (Sec. 1987)
SERIAL NUMBER	77147075
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (n	o change)
ARGUMENT(S)	

Serial No. 77147075

In response to a request by Applicant, the Trademark Trial and Appeal Board has remanded the present case back to the jurisdiction of the Examining Attorney so as to permit the Examining Attorney to consider additional evidence as to the issue of registrability. In accordance with that request, Applicant is submitting herewith a copy of a section of the Acceptable Identification of Goods and Services Manual relevant to further examination.

In addition, Applicant wishes to amend its current identification of services so as to conform to certain identification language set forth in the *ID Manual*. This amendment is minor in nature.

Finally, Applicant's review of the Examining Attorney's arguments in support of the descriptiveness refusal rendered in the co-pending application (Serial No. 77975745) has highlighted a misunderstanding that Applicant had as to the scope of the disclaimer for the term CHAMBER that Applicant offered earlier during prosecution of this application. As Applicant does not believe that a disclaimer of all of the services currently at issue in the present application (as amended) would be warranted under Office policy, it is respectfully requesting pursuant to TMEP Section 1213.01(c) that the disclaimer be withdrawn in part in this case, thus streamlining the case for possible appeal.

# Submission of Additional Evidence

One of the issues on appeal is the Examining Attorney's refusal of a portion of the identification of services, specifically the language "providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments that can impact businesses".

Subsequent to the Examining Attorney's issuance of the final refusal, however, the Trademark Office revised the *ID Manual* and has adopted the following description as an "acceptable identification":

Providing information and news in the field of business, namely, information and news on current

events and on economic, legislative, and regulatory developments as it relates to and can impact businesses

A copy of the relevant entry from the revised *ID Manual* is attached. Applicant submits that this evidence is relevant to the further examination of the identification language at issue in this case.

### Amendment of Identification

As discussed above, Applicant is presently seeking registration for, among other things, the services of "providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments that can impact businesses" in International Class 35. This identification language is closely related to, but does not exactly track, the language adopted by the Office as an acceptable identification. See supra. Consequently, Applicant, so as to expedite prosecution and reduce possible issues for appeal, wishes to amend its identification so as to match that which is set forth in the ID Manual.

To that end, Applicant wishes to make the following amendment:

### **Current Identification (Class 35):**

Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments that can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services

### **Proposed Identification (Class 35):**

Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments [that] as it relates to and can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services

As this amendment is merely conforming in nature and does not broaden the scope of coverage, Applicant would ask that it be accepted.

# Request to Remove Disclaimer

Finally, as noted above, during Applicant's review of the arguments the Examining Attorney made in Serial No. 77975745 (which arguments the Examining Attorney has also made here), Applicant has become aware that the Examining Attorney is interpreting Applicant's previous disclaimer of "CHAMBER" (which it made in December 2007) as constituting an admission by Applicant that the term is supposedly descriptive for <u>all</u> of the services covered in the application as was pending at that time. As that is not the case, Applicant wishes to clarify the scope of its previous disclaimer and to withdraw it with respect to any services for which a disclaimer is not required under Office policy.

At the time Applicant filed its disclaimer of CHAMBER, it was simultaneously moving to amend its description of services to recite the following: "providing on line directory information services of local and state Chambers of Commerce". See Response to Office Action (12/5/07). In the context of those services, the term CHAMBER is admittedly descriptive, which is why Applicant offered the disclaimer. Further, it must be noted that in the Office Action to which Applicant was responding, the Examining Attorney only presented evidence of descriptiveness as to those specific services (which were identified then as "providing on line directory information services"). See Office Action (6/5/07). Moreover, even if one could contend that an unrestricted disclaimer would have been required at the time it was filed in this case, subsequent prosecution over the past two years has resulted in significant changes to the identification language.

Therefore, pursuant to TMEP Section 1213.01(c), Applicant is requesting that the previously entered disclaimer of CHAMBER be restricted so as to apply only to the services of "Providing online directory information services featuring information regarding local and state Chambers of Commerce", which was the scope intended by Applicant. See TBMP §1213 ("A disclaimer may be limited to pertain to only certain classes, or to only certain goods or services."). Applicant submits that affording the disclaimer greater scope than that which was intended by Applicant would result in the voluntary disclaimer of matter not required by Office policy, thereby justifying withdrawal. See TBMP §1213.01(c).

For the above reasons, Applicant respectfully requests the identification language as amended be accepted and that the disclaimer of CHAMBER for the services of "providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments as it relates to and can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services" be withdraw. (The disclaimer would remain as to the services of "Providing online directory information services featuring information regarding local and state Chambers of Commerce"). If the Examining Attorney has any questions, he may contact counsel for Applicant at (202) 220 – 4270 or by email at wmerone@kenyon.com

Respectfully submitted,

William M. Merone Kenyon & Kenyon LLP Counsel for Applicant

### EVIDENCE SECTION

EVIDENCE FILE N	AME(S)
ORIGINAL PDF FILE	evi 672338450- 141043012 . Trademark Acceptable Identification of Goods Services.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT8\IMAGEOUT8\771\470\77147075\xml1\RFR0002.JPG

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GOODS AND/OR SE	CRVICES SECTION (current)	
INTERNATIONAL CLASS	NAL 035	
DESCRIPTION		
Chambers of Commerce and news on current ev	tory information services featuring information regarding local and state ce; providing information and news in the field of business, namely information vents and on economic, legislative, and regulatory developments that can impact tion of a discount program enabling participants to obtain discounts on goods and	
FILING BASIS	Section 1(b)	
GOODS AND/OR SE	RVICES SECTION (proposed)	
INTERNATIONAL CLASS	035	
DESCRIPTION		
Chambers of Commerce and news on current ev	tory information services featuring information regarding local and state ce; providing information and news in the field of business, namely information vents and on economic, legislative, and regulatory developments as it relates to sses; administration of a discount program enabling participants to obtain d services	
FILING BASIS	Section 1(b)	
ADDITIONAL STAT	TEMENTS SECTION	
MISCELLANEOUS STATEMENT	Please delete the disclaimer currently of record and substitute the following: "No claim is made to the exclusive right to use CHAMBER in connection with "Providing online directory information services featuring information regarding local and state Chambers of Commerce" apart from the mark as shown."	
SIGNATURE SECTI	ION	
RESPONSE SIGNATURE	/William M. Merone/	
SIGNATORY'S NAME	William M. Merone	

11/20/2009

YES

DATE SIGNED

AUTHORIZED

SIGNATORY CONCURRENT

APPEAL NOTICE FILED	NO
FILING INFORM	
SUBMIT DATE	Fri Nov 20 14:15:52 EST 2009
TEAS STAMP	USPTO/RFR-67.233.84.50-20 091120141552932678-771470 75-4605f4dddd27ccf44a92f6 5cab6f1cd3614-N/A-N/A-200 91120141043012248

P007 For 1881/882551 TO COMPRESS OF SECUNDARY

# Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. 77147075 has been amended as follows:

# ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

# Serial No. 77147075

In response to a request by Applicant, the Trademark Trial and Appeal Board has remanded the present case back to the jurisdiction of the Examining Attorney so as to permit the Examining Attorney to consider additional evidence as to the issue of registrability. In accordance with that request, Applicant is submitting herewith a copy of a section of the Acceptable Identification of Goods and Services Manual relevant to further examination.

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# Amendment of Identification

As discussed above, Applicant is presently seeking registration for, among other things, the services of "
providing information and news in the field of business, namely information and news on current events
and on economic, legislative, and regulatory developments that can impact businesses" in International
Class 35. This identification language is closely related to, but does not exactly track, the language
adopted by the Office as an acceptable identification. See supra. Consequently, Applicant, so as to
expedite prosecution and reduce possible issues for appeal, wishes to amend its identification so as to
match that which is set forth in the ID Manual.

To that end, Applicant wishes to make the following amendment:

# **Current Identification (Class 35):**

Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments that can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services

# Proposed Identification (Class 35):

Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments [that] as it relates to and can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services

As this amendment is merely conforming in nature and does not broaden the scope of coverage, Applicant would ask that it be accepted.

# Request to Remove Disclaimer

Finally, as noted above, during Applicant's review of the arguments the Examining Attorney made in Serial No. 77975745 (which arguments the Examining Attorney has also made here), Applicant has become aware that the Examining Attorney is interpreting Applicant's previous disclaimer of "CHAMBER" (which it made in December 2007) as constituting an admission by Applicant that the term is supposedly descriptive for <u>all</u> of the services covered in the application as was pending at that time. As that is not the case, Applicant wishes to clarify the scope of its previous disclaimer and to withdraw it with respect to any services for which a disclaimer is not required under Office policy.

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Therefore, pursuant to TMEP Section 1213.01(c), Applicant is requesting that the previously entered disclaimer of CHAMBER be restricted so as to apply only to the services of "Providing online directory information services featuring information regarding local and state Chambers of Commerce", which was the scope intended by Applicant. See TBMP §1213 ("A disclaimer may be limited to pertain to only certain classes, or to only certain goods or services."). Applicant submits that affording the disclaimer greater scope than that which was intended by Applicant would result in the voluntary disclaimer of matter not required by Office policy, thereby justifying withdrawal. See TBMP §1213.01(c).

For the above reasons, Applicant respectfully requests the identification language as amended be accepted and that the disclaimer of CHAMBER for the services of "providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments as it relates to and can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services" be withdraw. (The disclaimer would remain as to the services of "Providing online directory information services featuring information regarding local and state Chambers of Commerce"). If the Examining Attorney has any questions, he may contact counsel for Applicant at (202) 220 – 4270 or by email at wmerone@kenyon.com

Respectfully submitted,

William M. Merone Kenyon & Kenyon LLP Counsel for Applicant

**EVIDENCE** 

# Original PDF file:

evi 672338450-141043012 . Trademark Acceptable Identification of Goods Services.pdf Converted PDF file(s) (2 pages)

Evidence-1 Evidence-2

# CLASSIFICATION AND LISTING OF GOODS/SERVICES

# Applicant proposes to amend the following class of goods/services in the application:

Current: Class 035 for Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments that can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services

**Original Filing Basis:** 

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**Proposed:** Class 035 for Providing online directory information services featuring information regarding local and state Chambers of Commerce; providing information and news in the field of business, namely information and news on current events and on economic, legislative, and regulatory developments as it relates to and can impact businesses; administration of a discount program enabling participants to obtain discounts on goods and services

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

# ADDITIONAL STATEMENTS

Please delete the disclaimer currently of record and substitute the following: "No claim is made to the exclusive right to use CHAMBER in connection with "Providing online directory information services featuring information regarding local and state Chambers of Commerce" apart from the mark as shown."

# SIGNATURE(S)

# Request for Reconsideration Signature

Signature: /William M. Merone/ Date: 11/20/2009

Signatory's Name: William M. Merone

Signatory's Position: Counsel for Applicant (VA38861)

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing

him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77147075

Internet Transmission Date: Fri Nov 20 14:15:52 EST 2009 TEAS Stamp: USPTO/RFR-67.233.84.50-20091120141552932

678-77147075-4605f4dddd27ccf44a92f65cab6 f1cd3614-N/A-N/A-20091120141043012248





# United States Patent and Trademark Office

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Trademarks > Trademark Acceptable Identification of Goods & Services

# Trademark ID Manua

Refine Search: NEWS AND BUSINESS AND INFORMATION AND PROVIDING AN

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Documents: 1 - 4 of 4

Hit No.	Class	Description	Status	Effective Date	Туре	Note	Trilateral
1	035	Providing consumer news and information in the field of educational products and services that help individuals and businesses make and save money	A	27 Nov 08	S	N	
2	035	Providing information and news in the field of business	A	15 Oct 09	S	N	
3	035	Providing information and news in the field of business, namely, information and news on current events and on economic, legislative, and regulatory developments as it relates to and can impact businesses	A	15 Oct 09	S	Z	
4	O41	Entertainment and educational services, namely, providing a website that displays various requests, reviews, recommendations, rankings, trackings, votes, and information relating to uncreated, unreleased, new, special, popular, and rare products, services, and events in the fields of pop culture, entertainment, education, lifestyle, and sports, all exclusively for non-business and non-commercial transactions and purposes	A	21 Aug 08	S	N	

Refined Search: NEWS AND BUSINESS AND INFORMATION AND PROVIDING AN

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HOME SITE INDEX SEARCH @BUSINESS HELP PRIVACY POLICY



# Exhibit K

To:

The Chamber of Commerce of the United St ETC. (

tmdocketdc@kenyon.com)

Subject:

U.S. TRADEMARK APPLICATION NO. 77147075 - NATIONAL

CHAMBER - 11904-185

Sent:

12/16/2009 1:31:03 PM

Sent As:

ECOM102@USPTO.GOV

Attachments: Attachment - 1

Attachment - 2

Attachment - 3

Attachment - 4

Attachment - 5

Attachment - 6

Attachment - 7

Attachment - 8

Attachment - 9

Attachment - 10

Attachment - 11

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Attachment - 36

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Attachment - 40

Attachment - 41

Attachment - 42

Attachment - 43

Attachment - 44

Attachment - 45

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO:

77/147075

MARK: NATIONAL CHAMBER

\*77147075\*

**CORRESPONDENT ADDRESS:** 

WILLIAM M. MERONE KENYON & KENYON LLP 1500 K ST NW STE 700 WASHINGTON, DC 20005-1257

GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/main/trademarks.htm

APPLICANT:

The Chamber of Commerce of

the United St ETC.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

11904-185

CORRESPONDENT E-MAIL ADDRESS:

tmdocketdc@kenyon.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 12/16/2009

Applicant is requesting reconsideration of a final refusal issued/mailed August 12, 2009. Applicant did not address the information requirement under 37 C.F.R. §2.61(b).

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue. The amendment to the identification of services and disclaimer format is acceptable and has been entered into the record. However, although the disclaimer has been entered into the record, it is improper. Terms such as "Corporation," "Inc." and "Ltd." must be disclaimed because they merely specify applicant's entity type and do not function as a trademark or service mark to indicate source. TMEP §1213.03(d); see, e.g., In re Patent & Trademark Servs., Inc., 49 USPQ2d 1537, 1539-40 (TTAB 1998); In re The Paint Prods. Co., 8 USPQ2d 1863, 1866 (TTAB 1988). Applicant is identified as The Chamber of Commerce of the United States of America. There is sufficient evidence in the record to demonstrate that the term CHAMBER is an entity type.

The examining attorney has considered applicant's arguments. However, applicant has failed to show why its mark would be perceived as a source indicator and not simply as descriptive terms as applied to the services. Therefore, the refusal under Section 2(e)(1) is continued.

# **Information Requirement**

Applicant failed to answer the inquiry raised in the previous office action. Because applicant did not comply with a requirement for information, registration is refused. See 37 C.F.R. §2.61(b). Applicant should answer the inquiry with a "yes" or "no" answer.

Will applicant use the proposed mark in connection with a national directory of chambers of commerce?

Failure to respond to a request for information can be grounds for refusing registration. TMEP §814; see In re Cheezwhse.com, Inc., 85 USPQ2d 1917, 1919 (TTAB 2008); In re DTI P'ship LLP, 67 USPQ2d 1699, 1701-02 (TTAB 2003). Merely stating that information about the goods or services is available on applicant's website is an inappropriate response to a request for additional information, and is insufficient to make the relevant information of record. See In re Planalytics, Inc., 70 USPQ2d 1453, 1457-58 (TTAB 2004).

The validity of a trademark registration is based upon applicant's material representations of fact in connection with their application. See Torres v. Cantine Torresella S. r. 1., 808 F.2d 46, 1 USPQ2d 1483, 1484 (Fed. Cir. 1986).

# Section 2(e)(1) Refusal

Applicant has not rebutted the evidence of record which illustrates the descriptiveness of the proposed mark. Specifically, the term NATIONAL has been held to describe the geographical scope of services. See In re Nat'l Rent A Fence, Inc., 220 USPQ 479 (TTAB 1983) (holding NATIONAL RENT A FENCE merely descriptive of nationwide fence rental services); and Nat'l Fid. Life Ins. v. Nat'l Ins. Trust, 199 USPQ 691 (TTAB 1978) (holding NATIONAL INSURANCE TRUST merely descriptive of services of handling administrative matters in locating suitable insurance coverage for attorneys). Applicant has not shown why these cases do not apply to applicant's mark or services.

In determining the descriptiveness of a term or mark comprising more than one element, it is permissible to consider the significance of each element separately in the course of evaluating the term or mark as a whole. See In re Hotels.com, L.P., 573 F.3d 1300, 1301, 1304, 1306, 91 USPQ2d 1532, 1533, 1535, 1537 (Fed. Cir. 2009) (holding HOTELS.COM generic for information and reservation services featuring temporary lodging when noting that the Board did not commit error in considering "the word 'hotels' for genericness separate from the '.com' suffix"); In re Oppedahl & Larson LLP, 373 F.3d 1171, 1174-75, 71 USPQ2d 1370, 1372 (Fed. Cir. 2004) (holding PATENTS.COM merely descriptive of computer software for managing and tracking the status of database records when noting that "the PTO may [separately] consider the meaning of 'patents' and the meaning of '.com' with respect to the goods identified in the application."); In re Save Venice N.Y., Inc., 259 F.3d 1346, 1352, 59 USPQ2d 1778, 1782 (Fed. Cir. 2001) (holding a mark primarily geographically deceptively misdescriptive for a variety of goods when noting that "[i]t is not erroneous, however, for the examiner to consider the significance of each element within the composite mark in the course of evaluating the mark as a whole.").

The term CHAMBER is descriptive of the type of services as identified in the amended identification of services in addition to identifying applicant's entity type. The examining attorney has provided a competent evidentiary record showing the use of the term CHAMBER as a term used in connection with services that are similar to those identified in the application. Attached to this denial of the request for reconsideration is additional evidence showing wide use of the terms CHAMBER and NATIONAL for similar services. Applicant is identified in the application as the following: The Chamber of Commerce of the United States of America. When you are identified as the Chamber of Commerce of the United States of America it is reasonable to conclude that the services you provide are national in scope. Accordingly, applicant's request for reconsideration is denied. The application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

Christopher L. Buongiorno/ /Christopher L. Buongiorno/ Law Office 102 (571) 272-9251

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <a href="http://tarr.uspto.gov">http://tarr.uspto.gov</a>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

See attached copies of registrations retrieved from a search on the Office's X-search database performed on December 15, 2009. See also attachments retrieved from a search on www.google.com performed on December 16, 2009, demonstrating the use of the term CHAMBER to identify chambers of commerce.

Print: Dec 15, 2009

77240680

# **DESIGN MARK**

# Serial Number

77240680

#### **Status**

REGISTERED

# Word Mark

NATIONAL GAY & LESBIAN CHAMBER OF COMMERCE

# Standard Character Mark

Yes

# **Registration Number**

3470754

# Date Registered

2008/07/22

# Type of Mark

SERVICE MARK

#### Register

PRINCIPAL

# **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

#### Owner

National Gay and Lesbian Chamber of Commerce CORPORATION DELAWARE 2000 P Street, NW, Suite 300 Washington D.C. 20036

# Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Chamber of commerce services, namely, promoting business for the lesbian, gay, bisexual, and transgender business community in the United States. First Use: 2002/05/31. First Use In Commerce: 2002/11/11.

#### Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHAMBER OF COMMERCE" APART FROM THE MARK AS SHOWN.

# Section 2f Statement

2(F) ENTIRE MARK

# Filing Date

2007/07/27

# Examining Attorney

IZZI, MARILYN

Attorney of Record Damon J. Whitaker

# NATIONAL GAY & LESBIAN CHAMBER OF COMMERCE

# **DESIGN MARK**

# **Serial Number**

77433060

# **Status**

ABANDONED - AFTER PUBLICATION

#### Word Mark

NATIONAL CHAMBER OF COMMERCE

# Standard Character Mark

Yes

# Type of Mark

SERVICE MARK

# Register

PRÍNCIPAL

# **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

#### Owner

National Chamber Of Commerce, LLC LIMITED LIABILITY COMPANY NEVADA 3395 S. Jones Blvd. #313 Las Vegas NEVADA 89146

# Goods/Services

Class Status -- ABANDONED. IC 035. US 100 101 102. G & S: Administration of an exchange program for small business owners to barter for the goods and services of others to create cross-marketing opportunities. First Use: 2001/03/06. First Use In Commerce: 2001/03/06.

# Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHAMBER OF COMMERCE" APART FROM THE MARK AS SHOWN.

# Section 2f Statement

2(F) ENTIRE MARK

# Filing Date

2008/03/27

# **Examining Attorney**

FARRELL, ANNE

#### Attorney of Record

Thomas D. Foster

# NATIONAL CHAMBER OF COMMERCE

Print: Dec 15, 2009

77509562

# **DESIGN MARK**

#### Serial Number

77509562

#### **Status**

REGISTERED

#### **Word Mark**

NATIONAL FRIENDS OF ANIMALS CHAMBER OF COMMERCE

# Standard Character Mark

Yes

# Registration Number

3600592

# **Date Registered**

2009/03/31

# Type of Mark

SERVICE MARK

# Register

SUPPLEMENTAL

# **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

#### Owner

The Indiana Society for the Prevention of Cruelty to Animals CORPORATION INDIANA 333 N. Highland Avenue Indianapolis INDIANA 46202

# Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Chamber of Commerce services, namely, promoting business for the animal rights business community in the United States. First Use: 2008/06/02. First Use In Commerce: 2008/06/02.

# Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHAMBER OF COMMERCE" APART FROM THE MARK AS SHOWN.

# Filing Date

2008/06/27

# **Amended Register Date**

2009/02/18

# Examining Attorney

MONINGHOFF, KIM

# NATIONAL FRIENDS OF ANIMALS CHAMBER OF COMMERCE

# **DESIGN MARK**

# Serial Number

77601916

#### Status

REGISTERED

# Word Mark

NATIONAL BLACK CHAMBER OF COMMERCE

# **Standard Character Mark**

Yes

# **Registration Number**

3666086

# **Date Registered**

2009/08/11

# Type of Mark

SERVICE MARK

#### Register

PRINCIPAL

# Mark Drawing Code

(4) STANDARD CHARACTER MARK

#### Owner

National Black Chamber of Commerce CORPORATION D.C. #405 1350 Connecticut Avenue Washington D.C. 20036

# Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Association services, namely, promoting the interests of black owned business. First Use: 1991/02/02. First Use In Commerce: 1991/02/02.

# Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHAMBER OF COMMERCE" APART FROM THE MARK AS SHOWN.

#### Section 2f Statement

2(F) ENTIRE MARK

# Filing Date

2008/10/28

#### Examining Attorney

FLETCHER, TRACY

Attorney of Record Janet Peyton

# National Black Chamber of Commerce

#### **DESIGN MARK**

#### Serial Number

78752028

#### Status

REGISTERED

#### Word Mark

NATIONAL US-ARAB CHAMBER OF COMMERCE

#### Standard Character Mark

Yes

# Registration Number

3249060

# Date Registered

2007/06/05

# Type of Mark

SERVICE MARK

# Register

PRINCIPAL

# Mark Drawing Code

(4) STANDARD CHARACTER MARK

#### Owner

National U.S.-Arab Chamber of Commerce CORPORATION D.C. Suite 400 1023 15th Street, N.W. Washington D.C. 20006

# Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Association services, namely promoting the interests of business persons by supporting and strengthening US-Arab business and economic cooperation; organizing and conducting business conferences in the field of economic and business strategies for investment and trade between the US and the Arab world. First Use: 1995/05/01. First Use In Commerce: 1995/05/01.

# Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational services, namely organizing and conducting educational classes, conferences, seminars and symposia in the field of economic and business strategies for investment and trade between the U;S; and the Arab world. First Use: 1995/05/01. First Use In Commerce: 1995/05/01.

# Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Authentication of commercial documents used in international transactions. First Use: 1995/05/01. First Use In Commerce: 1995/05/01.

# Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHAMBER OF COMMERCE" APART FROM THE MARK AS SHOWN.

# Section 2f Statement

2(F) ENTIRE MARK

# Filing Date

2005/11/11

# **Examining Attorney**

ALFIERI, AMY

# NATIONAL US-ARAB CHAMBER OF COMMERCE

#### **DESIGN MARK**

#### Serial Number

78954270

#### **Status**

REGISTERED

#### **Word Mark**

INTERNATIONAL CHAMBER OF E-COMMERCE

# Standard Character Mark

No

# **Registration Number**

3424735

# **Date Registered**

2008/05/06

# Type of Mark

SERVICE MARK

# Register

PRINCIPAL

# **Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

#### Owner

International Chamber of E-Commerce, Inc. CORPORATION FLORIDA Suite 600 100 W. Lucerne Circle Orlando FLORIDA 32801

#### Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Providing temporary use of on-line nondownloadable software for use by online retail merchants to facilitate online ordering of such merchants' goods by their customers and electronic transaction processing via an integrated online shopping cart; computer services, namely, designing and creating websites for others; hosting the websites of others on a computer server for a global computer network; computer services, namely, remote and on-site management of website content, electronic messaging systems and applications for others; Providing customized online web pages featuring user-defined information, which includes search engines and online web links to other web sites; computer services, namely, providing search engine for obtaining data on the internet for others; providing information at the specific request of end-users by searching and retrieving information via the internet, computer services, namely, creating indexes of information, sites and other resources available on the internet. First Use: 2007/11/01. First Use In Commerce: 2007/11/01.

#### Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Payment services and financial services for others, namely, providing electronic processing of credit card transactions and electronic payments via the internet. First Use: 2007/11/01. First Use In Commerce: 2007/11/01.

# Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business consultation; Advertising and marketing for others, namely, dissemination of advertising for others via the internet and providing advertising space on the internet; e-commerce services, namely, promoting the goods and services of others by means of operating an online shopping mall with links to the retail websites of others; providing on-line directory information services also featuring hyperlinks to other web sites; on-line trading services in which seller posts products to be auctioned and bidding is done via the internet; and on-line auction services. First Use: 2007/11/01. First Use In Commerce: 2007/11/01.

#### Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INTERNATIONAL CHAMBER OF E-COMMERCE" APART FROM THE MARK AS SHOWN.

#### Colors Claimed

The color(s) gold, blue, white, black and yellow is/are claimed as a feature of the mark.

# Part of Mark in Color

The color gold appears in the outer and inner circles and in the design of the continents; the color blue appears in the middle circle between the inner and outer circle design; the color white appears in all of the wording and in the middle of the continent design within the circle; the color black appears in the water surrounding the continents; the color yellow appears over parts of the continent of Asia.

# Filing Date

2006/08/17

# **Examining Attorney**

DAWE, BILL

# Attorney of Record

Nancy S. Freeman



Print: Dec 15, 2009

73461692

# TYPED DRAWING

# Serial Number

73461692

#### **Status**

CANCELLED - SECTION 8

# Word Mark

NATIONAL CHAMBER

# Standard Character Mark

No

# Registration Number

1436813

# Date Registered

1987/04/14

# Type of Mark

SERVICE MARK

# Register

PRĪNCIPAL

# **Mark Drawing Code**

(1) TYPED DRAWING

# Owner

CHAMBER OF COMMERCE OF THE UNITED STATES, THE CORPORATION D.C. 1615 H STREET, N.W. WASHINGTON D.C. 20062

# Goods/Services

Class Status -- SECTION 8 - CANCELLED. IC 042. US 100. G & S: ASSOCIATION SERVICES, NAMELY PROMOTING THE INTEREST OF BUSINESS MEN AND WOMEN. First Use: 1915/12/04. First Use In Commerce: 1915/12/04.

# Filing Date

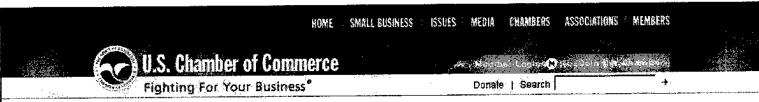
1984/01/20

# **Examining Attorney**

SALEMI, DOMINICK

# **Attorney of Record**

Edward T. Colbert



CHAMBERS & ASSOCIATIONS

Associations

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Commerce Committee
of 100
Conference Calls
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Grassroots for Chambers Membership News & Publications

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Institute for Organization Management

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Chamber Name: Virginia Chamber of Commerce

Address: 9 South 5th St

City: Richmond

State: VA

Zip Code: 23219

Phone: (804) 644-1607 Website: www.vachamber.com

# Complete Search Results

Chamber Name: Afghan American Chamber of Commerce

Address: 8201 Greensboro Dr. Suite 103

City: McLean State: VA Zip Code: 22102

Phone Number: (703) 442-5005 Fax Number: (703) 442-5008

Chamber Name: Atexandria Chamber of Commerce

Address: 601 N Fairfax St Ste 420

City: Alexandria State: VA







Zip Code: 22314

Phone Number: (703) 549-1000 Fax Number: (703) 739-3806

Website: www.alexchamber.com

Chamber Name: Arlington Chamber of Commerce, Inc. Address: 2009 14th Street North Suite 111

> City: Arlington State: VA Zip Cude: 22201

Phone Number: (703) 525-2400 Fax Number: (703) 522-5273

Website: www.arlingtonchamber.org

Chamber Name: Bedford Area Chamber of Commerce 🧔

Address: 305 E Main St City: Bedford State: VA

Zip Code: 24523

Phone Number: (540) 586-9401 Fax Number: (540) 587-6650

Website: www.bedfordareachamber.com

Chamber Name: Chamber of Commerce of Smyth County, Inc.

Address: PO Box 924 City: Marion State: VA Zip Code: 24354

Phone Number: (278) 700-0161 Fax Number: (276) 783-8003

Website: http://www.smvthchamber.org

Chamber Name: Charlottesville Regional Chamber of Commerce

Address: PO Box 1564 City: Chartottesville State: VA

**Zip Code: 229**02

Phone Number: (434) 295-3141 Fax Number: (434) 295-3144

Website: www.cvillechamber.com

Chamber Name: Chesterfield County Chamber of Commerce

Eddenson 6000 less Drides Dd. Cults D

Address: 9330 Iron Bridge Rd Sulta B

City: Chesterfield

State: VA Zip Code: 23832

Phone Number: (804) 748-6364 Fax Number: (804) 796-6931

Website: www.chesterfieldchamber.com

Chamber Name: Danville Pittsylvania County Chamber of Commerce 🤝 🤺

Address: PO Box 99 City: Blairs

State: VA

Zip Code: 24527

Phone Number: (434) 836-6990 Fax Number: (804) 432-1344

Website: www.dpchamber.org

Chamber Name: Dulles Regional Chamber of Commerce

Address: PO Box 327

City: Herndon State: VA

Zip Code: 20172

Phone Number: (703) 437-5556

Fax Number: (703) 797-8859

Website: http://www.dullesregionalchamber.org/

Chamber Name: Fairfax County Chamber of Commerce

Address: 8230 Old Courthouse Rd Suite 350

City: Vienna

State: VA

Zip Code; 22182

Phone Number: (703) 749-0400

Fax Number: (703) 749-9075

Website: www.fccc.org

Chamber Name: Franklin County Chamber of Commerce & Tourism

Address: PO Box 158

City: Rocky Mount

State: VA

Zip Code: 24151

**Phone Number:** (640) 483-9542

Fax Number: (540) 483-0663

Website: www.franklincounty.org

Chamber Name: Fredericksburg Regional Chamber of Commerce

Address: PO Box 7476 City: Fredericksburg

State: VA Zip Code: 22404

Phone Number: (540) 373-9400 Fax Number: (540) 373-9570

website: www.fredericksburgchamber.org

Chamber Name: Front Royal-Warren County Chamber of Commerce

Address: 104 E Main St City: Front Royal State: VA

**Zip Code: 22630** 

Phone Number: (540) 635-3185 Fax Number: (540) 635-9758

Website: www.frontrovalchamber.com

Chamber Name: Greater Augusta Regional Chamber of Commerce

Address: PO Box 1107 City: Fishersville State: VA Zip Code: 22939

Phone Number: (540) 949-8203 Fax Number: (540) 949-7240

Website: www.augustachamber.org

Chamber Name: Greater McLean Chamber of Commerce

Address: 143/ Halls Hill Rd

City: McLean State: VA Zip Code: 22181

Phone Number: (703) 356-5424 Fax Number: (703) 356-9244

Website: www.mcleanchamber.org

Chamber Name: Greater Richmond Chamber of Commerce

Address: PO Box 1598 City: Richmond State: VA Zip Code: 23218

Dhone Misshor: /004\ 840 4724

Phone Number: (804) 648-1234 Fax Number: (804) 780-0344 Website: www.grcc.com

Chamben Name: Greater Springfield Chamber of Commerce

22

Address: 6434 Brandon Ave. Suite 3a

City: Springfield State: VA Zip Code: 22150

Phone Number: (703) 886 3501 Fax Number: (703)866-3501

Website: www.springfleldchamber.org

Chamber Name: Greater Williamsburg Chamber & Tourism Alliance

Address: PO Box 3495 City: Williamsburg State: VA

Zip Code: 23187 Phone Number: (757) 229-6511 Fax Number: (757) 229-2047

Website: www.williamsburgcc.com

Chamber Name: Hatifax County Chamber of Commerce 3

Address: PO Box 399 City: South Boston

State: VA **Zip Code: 24592** 

Phone Number: (434) 572-3085 Fax Mumber: (434) 572-1733 Website: www.halifaxchamber.net

Chamber Name: Hampton Roads Chamber of Commerce

Address: 500 E Main St Suite 700

City: Norfolk State: VA Zip Code: 23510

Phone Number: (757) 664-2500 Fax Number: (757) 622-5563 Website: http://www.hrccva.com

Chamber Name: Harrisonburg-Rockingham Chamber of Commerce

Address: 800 Country Club Rd City Harrisonhura

City: Harrisonburg

State: VA Zip Code: 22802

Phone Number: (540) 434-3862 Fax Mumber: (54f) 434-4508

Website: www.hrchamber.org

Chamber Name: Loudoun County Chamber of Commerce 🔝

Address: 19301 Winmoado Dr Sto 210

City: Leesburg

State: VA Zip Code: 20176

Phone Number: (703) 777-2176 Fax Number: (703) 777-1392

Website: www.loudounchamber.org

Chamber Name: Lynchburg Regional Chamber of Commerce 🦃

Address: 2015 Memorial Ave

City: Lynchburg State: VA

Zip Code: 24501

Phone Number: (434) 845-5968

Fax Number: (434) 522-9592

Website: www.lvnchburgchamber.org

Chamber Name: Martinsyille-Henry County Chamber of Commerce 😂

Address: PO Box 709

City: Martinsville

State: VA

Zip Code: 24114

Phone Number: (276) 632-6401

Fax Mumber: (276) 632-5059

Website: www.martinsville.com

Chamber Name: Mondo International Inc.

Address: 2230 George C Marshall Dr, Apt 622

City: Falls Church

State: VA

Zin Code: 22043

Phone Number: (703) 869-9553

Fax Number: (800) 930-9708

Website: www.mondointernational.net

Chamber Name: Montgomery County Chamber of Commerce

Address: 103 Professional Park Dr

City: Blacksburg State: VA Zip Code: 24060

Phone Number: (540) 552-2836 Fax Number: (540) 552-2639

Website: http://www.mantgomerycc.org

Chamber Name: Mount Vernon-Lee Chamber of Commerce

Address: 8804-D Pear Tree Village Ct

City: Alexandria State: VA **Zip Code: 22309** 

Phone Number: (703) 360-6925 Fax Number: (703) 360-6928

Website: www.MtVernon-LeeChamber.org

Chamber Name: P W C-Gritr, Manassas Chamb of Commerce

Address: 8963 Center St City: Manassas State: VA **Zip Code: 20110** 

Phone Number: (703) 368-4813 Fax Number: (703) 368-4733 Website: www.pwcamec.org

Chamber Name: Prince William Regional Chamber of Commerce

Address: 4320 Ridgewood Center Dr

City: Woodbridge State: VA **Zip Code:** 22192

Phone Number: (703) 590-5000 Fax Number: (703) 590-9815

Website: www.RegionalChamber.org

Chamber Name: Pulaski County Chamber of Commerce

Address: 4440 Cleburne Blvd

City: Dublin State: VA

Zip Code: 24084 Phone Number: (540)980-1991 Fax Mumber: (540)980-4586

Fax Number: (540)980-4566

Website: www.swva.net/pulaskichamber

Chamber Name: Roanoke Regional Chamber Of Commerce

Address: 212 8 Jefferson St

City: Roanoke State: VA Zio Cade: 24011

Phone Number: (540) 983-0700 Fax Number: (540) 983-0723

Website: www.roanokechamber.org

Chamber Name: Smith Mountain Lake Chamber of Commerce

Address: 16430 Booker T. Washington Hwy.

City: Moneta State: VA

Zip Code: 24121 Phone Number: (540)721-1203 Fax Number: (540)721-7796

Webske: www.sml-chamber.com

Chamber Name: South Fairfax Chamber Of Commerce

Address: PO Box 68 Citys I orton State: VA

**Zip Code:** 22199

Phone Number: (703) 550-0005 Fax Number: (703) 550-0005

Website: www.SouthFairfaxChamber.org

Chamber Name: Top of Virginia Regional Chamber 🔯

Address: 407 South Loudoun

City: Winchester State: VA

**Zip Code: 22601** 

Phone Number: (540) 562-4118 Fax Number: (540) 722-6365

Website: www.regionalchamber.biz

Chamber Name: U.S.-Saudi Arabian Business Council

Address: 8081 Wolffrap Rd, Ste 308

City: Vienna State: VA

#### http://www.uschamber.com/chambers/directory/default.htm?st=va 12/16/2009 09:05:13 AM

State: VA Zip Code: 22182

Phone Number: (202) 638-1212 Fax Number: (202) 638-2894

Website: http://www.us-saudi-business.org/

Chamber Name: Vienna-Tysons Regional Chamber of Commerce

Address: 513 Maple Avenue West, 2nd FI

City: Vienna State: VA Zip Code: 22180

Fax Number: (703) 242-1482
Website: www.vircc.org

Chamber Name: Virginia Chamber of Commerce 🔬

Address: 9 South 5th St City: Richmond State: VA

**Zip Code:** 23219 **Phone Number:** (804) 644-1607

Website: www.vachamber.com

Chamber Name: Virginia Peninsula Chamber of Commerce

Address: 21 Enterprise Pkwy, Ste 100

City: Hampton State: VA Zip Code: 23886

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Chamber Name: Maine State Chamber of Commerce 🔬

Address: 125 Community Dr., Suite 101

City: Augusta

State: ME Zip Code: 04330

Phone: (207) 623-4568

Fax: (207) 622-7723

Website: www.mainechamber.org

#### Complete Search Results

Chamber Name: Bangor Region Chamber of Commerce

Address: 519 Main St

City: Bangor

State: ME Zip Code: 04481

Phone Number: (207) 947-0307

Fax Number: (207) 990-1427

Website: www.bangorregion.com

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AVIS

Chamber Name: Sethel Area Chamber of Commerce 🍒

Address PA Pay 1747







Address: PO Box 1247 City: Bethel State: ME Zin Code: 04217

Phone Number: (207) 824-2282 Fax Number: (207) 827-7123

Website: http://www.bethelmains.com/

Chamber Name: Doothbay Harbor Region Chamber of Commerce

Address: PO Box 356 City: Boothbay Harbor

State: ME Zip Code: 04538 Phone Number: (207) 633-2353 Fax Number: (207) 633-7448

Website: http://www.boothbavharbor.com/

Chamber Name: Ellsworth Area Chamber Of Commerce

Address: PO Box 267 City: Ellsworth State: ME Zip Code: 84805

Phone Number: (207) 667-5584 Fax Number: (207) 667-2817

Website: http://www.ellsworthchamber.org/

Chamber Name: Greater Houlton Chamber of Commerce

Address: 109 Main St City: Houlton State: ME Zip Code: 04730

Phone Number: (207) 532-4216 Fax Number: (207) 532-4217

Website: www.mainerec.com/houiton.html

Chamber Name: Greater Portland Chamber of Commerce

Address: 60 Pearl St City: Portland State: ME Zip Code: 04101

Phone Number: (207) 772-2811

Website: www.portlandregion.com

Chamber Name: Kennebec Valley Chamber of Commerce

Address: 21 University Dr

City: Augusta State: ME Zip Code: 04330

Phone Number: (207) 623-4559 Fax Number: (207) 626-9342

Website: www.augustamaine.com

Chamber Name: Kennebunk-Kennebunkport Chamber of Commerce

Address: PO Bux 740 City: Kennebunk

State: ME Zip Code: 04043

Phone Number: (207) 967-0957
Website: www.kkcc.maine.org

Chamber Name: Maine State Chamber of Commerce

Address: 125 Community Dr., Suite 101

City: Augusta State: ME Zip Code: 04330

Phone Number: (207) 623-4568 Fax Number: (207) 622-7723

Website: www.mainechamber.org

Chamber Name: Mid-Maine Chamber of Commerce

Address: One Post Office Sq. Ste. 204

City: Waterville State: ME Zip Code: 04901 Phone Number: (207) 873-3316 Fax Number: (207) 877-0087

Website: http://www.midmainechamber.com/

Chamber Name: Presque Isle Area Chamber of Commerce

Address: PO Box 872 City: Presque Iste State: ME

Zip Code: 04769

Phone Number: (207) 764-6561 Fav Number: (207) 764-6571 Fax Number: (207) 764-8571 Website: www.pichamber.com

Chamber Name: Sanford-Springvale Chamber of Commerce

Address: 917 Main St, #8 City: Sanford

State: ME Zip Code: 04073

Phone Number: (207) 324-4200 Fax Number: (207) 324-8290

Website: www.sanfordchamber.org

Chamber Name: The Greater York Region Chamber of Commerce

Address: 1 Stonewall Ln

City: York State: ME **Zip Code:** 03909

Phone Number: (207) 363-4422 Fax Number: (207) 363-7320

Website: www.gatewaytomaine.org

Chamber Name: Wells Chamber of Commerce

Address: PO Box 356 City: Wells State: ME ZID Code: U4U9U

Phone Number: (207) 646-2451 Fax Number: (207) 646-8104 Website: www.wellschamber.org

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U.S. Chamber Policy Priorities for 2009 and 2010

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New! Download the U.S. Chamber Policy Priorities for 2009 (PDF)

Restoring the nation's economic health is the Chamber's top priority. The Chamber will continue to advocate strongly for swift enactment of legislation to stimulate economic activity and spur job growth. This includes addressing not only the economy as a whole but also specific sectors and industries. Download the PDF for a full list of policy priorities.

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#### Chamber of commerce

discussion

From Wikipedia, the free encyclopedia (Redirected from Chambers of commerce)



This article lacks historical information. Please add it if you can. For help, see Wikipedia:WikiProject Historical information.

A chamber of commerce (also referred to in some circles as a board of trade) is a form of business network, e.g., a local organization of businesses whose goal is to further the interests of businesses. Business owners in towns and cities form these local societies to advocate on behalf of the business community. Local businesses are members, and they elect a board of directors or executive council to set policy for the chamber. The board or council then hires a President, CEO or Executive Director, plus staffing appropriate to size, to run the organization.

The first chambers of commerce were founded in 1599 in continental Europe (Marseille, France and Brugge, Belgium). [citation needed] The world's oldest English-speaking chamber of commerce is that of New York City, which was established in 1768. [1] dublous - discuss. The largest chamber of commerce in the UK is the North East Chamber of Commerce with over 4,000 members [citation needed] The oldest Chamber in the English speaking world with continuous records is the Glasgow Chamber of Commerce founded in 1783. [2] dubious – discuss]

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- 2 Chamber models
  - 2.1 Compulsory/Public law chambers
  - 2.2 Continental/Private law chambers
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#### Characteristics

[edit]

Membership in an individual chamber in an area can range from a few dozen to well over 300,000 (as is the case with the Paris Chamber of Commerce and Industry). Some chamber organizations in China report even larger membership numbers. Chambers of commerce can range in scope from individual neighborhoods within a city or town up to an international chamber of commerce.

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- » Українська

Chambers do not operate in the same manner as the Better Business Bureau in that, while the BBB has the authority to bind its members under a formal operations doctrine (and, thus, can remove them if complaints arise regarding their services), the local chamber membership is strictly voluntary. In addition, Chambers represent the interests of all businesses, while the BBB represents the interests of the general public.

Chambers of commerce also can include economic development corporations or groups (though the latter can sometimes be a formal branch of a local government, the groups work together and may in some cases share office facilities) as well as tourism and visitors bureaus.

Some chambers have joined ctate, national, and even international bodies (such as Eurochambres, the International Chamber of Commerce (ICC), Worldchambers or the American Chamber of Commerce Executives). Currently, there are about 13,000 chambers registered in the official Worldchambers Network registry, and the chamber of commerce network is the largest business network globally. This network is informal, with each local chamber incorporated and operating separately, rather than as a chapter of a national or state chamber.

Chamber models [edit]

There are basically three chamber business membership models worldwide, 'compulsory / public law', 'continental / private law' or 'bilateral'.

#### Compulsory/Public law chambers

[edit]

Under the compulsory or public law model, companies of a certain areas are obliged to become members of the chamber. This model is common in European Union countries (France, Germany, Italy, Spain). The main tasks of the chamber are foreign trade promotion, training, and general powice to componide. The chambers were given reopenciabilities of public administration in various fields by the ctate which they exercise in order management. The chambers also have a consultive function; this means the chambers must be consulted whenever a new law related to industry or commerce is proposed. In Germany the chambers of commerce and industry (IHK - Industrie- und Handelskammer) and the chambers of the skilled crafts and small businesses are a public statutory body with self-administration under the inspectorate of the state ministry of economy. The members of a Cerman chamber are members by law according to the chamber act (IHK-Ceaetz) of 1956. Because of this, such chambers are much bigger than chambers under private law. The IHK Munich for example as the biggest German chamber of commerce has 310.000 member companies. In the German system there are also chambers for the so called "free occupations"; architects, dentists, engineers, lawyers, notaries, physicians and pharmacists.

#### Continental/Private law chambers

[edit]

Under the private model, which exists in English-speaking countries like USA, Canada or the UK, but as well in Sweden, Finland, Norway and Denmark, companies are not obligated to become chamber members. However, companies often become members to develop their business contacts and, regarding the local chambers (the most common level of organization), to demonstrate a commitment to the local economy. Though governments are not required to consult chambers on proposed laws, the chambers are often contacted given their local influence and membership numbers.

Bilateral Chambers [edit]

A bilateral chamber of commerce is an organisation formed of individuals and companies who share a common interest in trade and commerce between two countries. The role of the chamber is to represent and further the interests of each of its member countries. This is achieved through the promotion and encouragement of bilateral trade and investment.

Bilateral chambers of commerce exist as independent entities yet maintain a close relationship with their embassy and/or consulate - playing an integral role in strengthening bilateral relations and economic interactions. Members of a bilateral chamber benefit from a useful range of business services, support and advice aiming to help fulfil each member's professional goals.

Bilateral chambers form a key component in the creation, growth and development process of a company or individual seeking to operate in a foreign business environment. The opportunities and advantages which membership confers should be considered essential in light of the chamber's culturally sensitive insight and in depth knowledge of the respective countries political and economic structure.

The core activities of a bilateral chamber of commerce include:

- Provision of useful business contacts
- Business services, including translation, interpreting and market research
- Events and Networking opportunities
- . Business courses and seminers
- Monitoring of new legislation proposals which might affect member's interests

[adit] See also

- Business association
- . China Council for the Promotion of International Trade
- Lobbying
- Non-governmental organization
- SACC New York:
- Trade group
- Trade union
- . United States Chamber of Commerce

#### References

[edit]

- 1. A Joseph Bucklin Bishop, A Chronicle of One Hundred and Fifty Years: The Chamber of Commerce of the State of New York 1768-1918 (New York; Charles Scribner's Sons, 1916), p. 1. 53
- 2. 📤 Glasgow Chamber of Constitute, About Os, [unline], available from ഗ്രാഗംഗുമദ്യാകൾക്കൻലാൻനും ആളുട്ടെ ഒഴുറിർ≃? 😭, 27 October 2009.

#### External links

[edit]

- Chamber Search €
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Categories: Chambers of commerce



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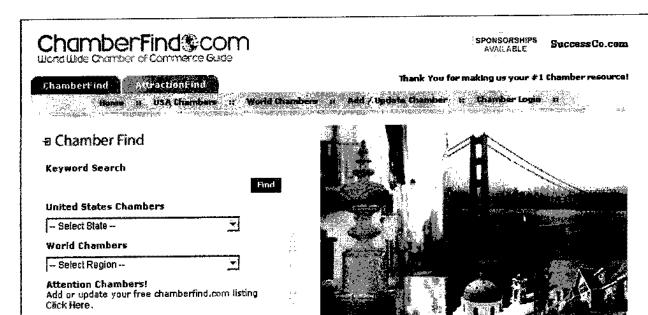
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To:

The Chamber of Commerce of the United St ETC. (

tmdocketde@kenvon.com)

Subject:

U.S. TRADEMARK APPLICATION NO. 77147075 - NATIONAL

CHAMBER - 11904-185

Sent:

12/16/2009 1:31:05 PM

Sent As:

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**Attachments:** 

## IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 77147075) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 12/16/2009 to which you must respond (unless the Office letter specifically states that no response is required). Please follow these steps:

1. Read the Office letter by clicking on this <u>link</u>
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PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

- 2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).
- 3. Respond within 6 months, calculated from 12/16/2009 (or sooner if specified in the Office letter), using the Trademark Electronic Application System (TEAS) Response to Office Action form. If you have difficulty using TEAS, contact TEAS@uspto.gov.

#### ALERT:

Failure to file any required response by the applicable deadline will result in the  $\frac{ABANDONMENT}{ABANDONMENT}$  (loss) of your application.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the

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## Exhibit L

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11904-185

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#### UNITED STATES PATENT AND TRADEMARK OFFICE

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CORRESPONDENT ADDRESS:

WILLIAM M. MERONE KENYON & KENYON LLP 1500 K ST NW STE 700

WASHINGTON, DC 20005-1257

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CORRESPONDENT'S REFERENCE/DOCKET

NO:

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CORRESPONDENT E-MAIL ADDRESS:

tmdocketdc@kenyon.com

#### OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 8/27/2008

Applicant submitted a request to divide the original/parent application so that the services in classes 35 and 45 are placed in separate applications. After further review, applicant must amend the identification of services so that the subject matter of the analysis is specified. Again, the Section 2(e)(1) refusal has been withdrawn.

#### **Identification of Services**

The examining attorney may require an amendment of the identification language to accurately describe the services. In re Water Gremlin Co., 635 F.2d 841, 208 USPQ 89 (C.C.P.A. 1980), aff'g 204 USPQ 261 (TTAB 1979). For assistance with identifying and classifying services in trademark applications, please see the online searchable Manual of Acceptable Identifications of Goods and Services at <a href="http://tess2.uspto.gov/netahtml/tidm.html">http://tess2.uspto.gov/netahtml/tidm.html</a>. See TMEP §1402.04.

Specific wording in the identification of services noted below is indefinite and must be clarified as indicated by the reasons in brackets. See TMEP §1402.01. For example, "analysis of financial data" would be properly classified in class 36 as the attachment indicated. Therefore, the identification does not include definitive language to be accepted for publication. Applicant must amend certain wording as indicated below. See TMEP §1402.01.

"analysis of [specify type of data] data, policy relating to [specify subject matter of policy] and regulatory activity relating to [specify subject matter]" in International Class 45 [see attachment of acceptable ID Manual entry]

Identifications of goods can be amended only to clarify or limit the goods; adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 et seq., 1402.07. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

Christopher L. Buongiorno/ /Christopher L. Buongiorno/ Law Office 102 (571) 272-9251

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <a href="http://www.uspto.gov/teas/cTEASpageD.htm">http://www.uspto.gov/teas/cTEASpageD.htm</a>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For technical assistance with the form, please e-mail <a href="mailto:TEAS@uspto.gov">TEAS@uspto.gov</a>. For questions about the Office action itself, please contact the assigned examining attorney. Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed

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STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <a href="http://tarr.uspto.gov">http://tarr.uspto.gov</a>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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Trademarks > Trademark Acceptable Identification of Goods & Services

## Trademark ID Manual

Refine Search: ANAL (SIS AND FINANCIAL

Submit Query

Documents: 1 - 6 of 6

Hit No.	Class	Description	Status	Effective Date	Туре	Note	Trilateral
1	035	Financial statement preparation and analysis for businesses	Α	04 Sep 01	S	N	Т
2	036	Financial analyses	Α	10 Jan 08	S	N	T
3	036	Financial analysis and consultation	Α	02 Apr 91	S	N	
4	036	Financial analysis and research services	Α	22 Nov 07	S	N	Т
5	036	Financial consulting services, namely, expert analysis in finance	A	01 May 08	S	N	
6	036	Financial portfolio analysis services	Α	04 Oct 07	S	N	

Refined Search: ANALYSIS AND FINANCIAL

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To:

The Chamber of Commerce of the United St ETC. (

tmdocketde@kenyon.com)

Subject:

TRADEMARK APPLICATION NO. 77975745 - NATIONAL CHAMBER -

11904-185

Sent:

8/27/2008 11:24:59 AM

Sent As:

ECOM102@USPTO.GOV

Attachments:

## IMPORTANT NOTICE USPTO OFFICE ACTION HAS ISSUED ON 8/27/2008 FOR APPLICATION SERIAL NO. 77975745

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link

http://tmportal.uspto.gov/external/portal/tow?DDA=Y&scrial\_number=77975745&doc\_type=OOA&

(or copy and paste this URL into the address field of your browser), or visit

http://tmportal.uspto.gov/external/portal/tow and enter the application serial number to access the

Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

**RESPONSE MAY BE REQUIRED:** You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable <u>response time period</u>. Your response deadline will be calculated from 8/27/2008.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <a href="http://www.uspto.gov/teas/eTEASpageD.htm">http://www.uspto.gov/teas/eTEASpageD.htm</a>.

**HELP:** For technical assistance in accessing the Office action, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office action.

#### WARNING

1. The USPTO will NOT send a separate e-mail with the Office action attached.

2. Failure to file any required response by the <u>ABANDONMENT</u> of your application.	applicable deadline will	result in the

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# Exhibit M

### Response to Office Action

The table below presents the data as entered.

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Input Field	Entered Entered
SERIAL NUMBER	77975745
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (no change)	And William Control of the Control o
GOODS AND/OR SERVICES S	ECTION (current)
INTERNATIONAL CLASS	045
DESCRIPTION	analysis of data, policy and regulatory activity
FILING BASIS	Section I(b)
GOODS AND/OR SERVICES S	ECTION (proposed)
INTERNATIONAL CLASS	045
TRACKED TEXT DESCRIPTION	
[ unalysis of data], analysis of businesses and regulatory activity to	ness data, [ policy and regulatory activity], policy relating to businesses
FINAL DESCRIPTION	
analysis of business data, policy re	lating to businesses and regulatory activity relating to businesses
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/William M. Merone/
SIGNATORY'S NAME	William M. Merone
SIGNATORY'S POSITION	Attorney of record, Virginia bar member
1.4	
DATE SIGNED	01/28/2009

#### FILING INFORMATION SECTION

SUBMIT DATE	Fri Jan 30 10:29:34 EST 2009
Transmission and the second se	USPTO/ROA-63.102.221.27-2
	0090130102934334051-77975
TEAS STAMP	745-440945cb91c98e45db9c4
	1f2beb47516ff3-N/A-N/A-20
	090128162903512258
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#### Response to Office Action

#### To the Commissioner for Trademarks:

Application serial no. 77975745 has been amended as follows:

#### CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 045 for analysis of data, policy and regulatory activity

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

#### Proposed:

Tracked Text Description: [analysis of data], analysis of business data, [policy and regulatory activity], policy relating to businesses and regulatory activity relating to businesses. Class 045 for analysis of businesses data, policy relating to businesses and regulatory activity relating to businesses. Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

#### SIGNATURE(S)

#### **Declaration Signature**

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

#### Response Signature

Signature: /William M. Merone/ Date: 01/28/2009

Signatory's Name: William M. Merone

Signatory's Position: Attorney of record, Virginia bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77975745

Internet Transmission Date: Fri Jan 30 10:29:34 EST 2009 TEAS Stamp: USPTO/ROA-63.102.221.27-2009013010293433

4051-77975745-440945cb91c98e45db9c41f2be b47516ff3-N/A-N/A-20090128162903512258

## Trademark/Service Mark Amendment to Allege Use (15 U.S.C. Section 1051(c))

The table below presents the data as entered.

Input Field	Entercel		
SERIAL NUMBER	77975745		
LAW OFFICE ASSIGNED	LAW OFFICE 102		
EXTENSION OF USE	NO		
MARK SECTION	Management of the second management of the sec		
STANDARD CHARACTERS	YES		
USPTO-GENERATED IMAGE	YES		
LITERAL ELEMENT	NATIONAL CHAMBER		
OWNER SECTION (no change)			
GOODS AND/OR SERVICES SI	ECTION		
INTERNATIONAL CLASS	045		
CURRENT IDENTIFICATION	analysis of data, policy and regulatory activity		
GOODS OR SERVICES	KEEP ALL LISTED		
FIRST USE ANYWHERE DATE	12/07/2006		
FIRST USE IN COMMERCE DATE	12/07/2006		
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT5\IMAGEOUT5 \\779\\757\\77975745\xml1\\AA\U0002.JPG		
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1	\\TICRS\EXPORT5\IMAGEOUT5 \\779\\757\\77975745\\xml1\AA\U0004\JPG		
SPECIMEN DESCRIPTION	screen shots from owner's web site showing use of the mark in connection with the recited services		
REQUEST TO DIVIDE	: NO		
PAYMENT SECTION			

NUMBER OF CLASSES IN USE	1		
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100		
TOTAL AMOUNT	100		
SIGNATURE SECTION			
SIGNATORY FILE NAME(S)	\\TICRS\EXPORT5\IMAGEOUT5 \\779\\757\\77975745\xml1\AA U0005.JPG		
SIGNATORY'S NAME	Judith K. Richmond		
SIGNATORY'S POSITION	VP and Associate General Counsel		
FILING INFORMATION			
SUBMIT DATE	Wed Jan 28 15:48:38 EST 2009		
TEAS STAMP	USPTO/AAU-63.102.221.27-2 0090128154838203522-77975 745-440c82180c289c51da2dd d8ea0205738fc-DA-2575-200 90128154200630735		

PTG Form, 1567 (Per SJ200); ORB No Will PCB (Exp Us to AvI f)

### Trademark/Service Mark Amendment to Allege Use (15 U.S.C. Section 1051(c))

To the Commissioner for Trademarks:

MARK: NATIONAL CHAMBER **SERIAL NUMBER:** 77975745

The applicant, The Chamber of Commerce of the United States of America, having an address of

1615 H Street, N.W.

Washington, District of Columbia 20062

**United States** 

is submitting the following allegation of use information:

For International Class 045:

Current identification: analysis of data, policy and regulatory activity

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 12/07/2006, and first used in commerce at least as early as 12/07/2006, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) screen shots from owner's web site showing use of the mark in connection with the recited services.

Specimen File-1 Specimen File-2 Specimen File-3

The applicant is not filing a Request to Divide with this Allegation of Use form. A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

#### Declaration

#### Signature

Signatory's Name: Judith K. Richmond

Signatory's Position: VP and Associate General Counsel

RAM Sale Number: 2575

RAM Accounting Date: 01/29/2009

Serial Number: 77975745

Internet Transmission Date: Wed Jan 28 15:48:38 EST 2009 TEAS Stamp: USPTO/AAU-63.102.221.27-2009012815483820

3522-77975745-440c82180c289c51da2ddd8ea0 205738fc-DA-2575-20090128154200630735

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- MACO Report Mesong the GReal Challenge France Sector Priorities for the Security and Prosperty Pownership of North America -2008 Remarka Leaders from the North Arabic on Compatitivantess Council

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Publications Reports 2 Studies

Cost of SOX 404 Survey

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U.S. Chamberof Commerce Center for Capital Markets Competitiveness November 8, 2007

Proported by the U.S. Chamber of Commerce Research and Analysis Center

157 Br Movement and results full cases (POF)

introduction

in October 2007, the U.S. Chanher's Center for Capital Markets Competitiveness (CCCAC) with the Assistance of the U.S. Chanher's Research and Analysis Center (RAC) conducts at anothe survey to comple duta on the projected cost of Sembanes Colley (SOX) Section (A) and its improcut on name hostingness. Section 404 and its improcut on name hostingness, Section 404 and its improcution of the section of the company's internal control over facilities in a control provided to overview of those states results.

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Dimension of Regulating CO2 as a Pollutant A Regulatory Burden: The Compliance

September 2008

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Related Links

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- Adjust 6 Charles April ACAA to Wilherak Climate Report (Press Release)
- July 11 Chamber Shama EPA Shaff's Plan for Overregulation (Proc.) Rolesso)
- Environment and Energy Comminse
- June 🤄 Sende Cimple Change Vote a Ratur to Reality (Pross Resulted)
- All Published Kerno

#### Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature	Section:
	The state of the state of

Signature: Julith & Reelina (B. Signatory's Name: Julith & Richmond Signatory's Position: UP + ASSOC GENERAL COLUMNS)

Date Signed: 128 59

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page must include both the signature information and the boilerplate declaration language. Do not include the entire application, but do ensure that the boilerplate declaration language actually appears; a signature by itself will not be acceptable. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the one complete page can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

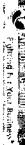
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- A the guistion of burden. The Compositione Obmension of Regulating QN2 at a Postulant Estimates of the costs of restricting cotton drovidit (CO2) ends signs, have generally focused on the paratiles arriang from the associated direct or induction excesses in the cost of energy
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- Intershing the Economic Powers at AP-sines on the Trabastantic Economic Council
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Cost of SOX 404 Survey

Propered by the U.S. Chamber of Compierce Research and Analysis Center November 8, 2007

U.S. Chamberof Comperce Certar for Capital Markets Competitiveness

(PDF)

Introduction

In October 2007, the U.S. Chamber's Center for Capital Markets Competitiveness (CCMC) with the assistance of the U.S. Chamber's Research and Ambysic Center (NAC) conducted an arther exists to comple duta on the protected cost of Sarbares Culey (SOC) Section 404 and fit impact on small businesses, Section 404 and fit impact on small businesses, Section 404 requires management and the whermal accist or response on the advances of the company's internal control over fit annotal reporting. This report provinces an owners of those survey results.

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Dimension of Regulating CO2 as a Pollutant A Regulatory Burden: The Compliance

Seprember 2008

Commond the Full Report (PDF)

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Related Links

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- August 1 Chamber Asks NOAA to Wilheray, Camate Report (Pass Release)
- July 14 Chamber Stoom EPA Stoff's Plan for Overraystation (Proce Roleans)
- Shvatternest and Evergy Controllee
- June C. Sericas Cliciae Cliar qui Vulo a Rebert to Reality (Pross Respos)
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#### Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

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Signature: 4	كشرهما	th K	Reg	lua	D		•
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Date Signed:	28	9					•

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page must include both the signature information and the boilerplate declaration language. Do not include the entire application, but do ensure that the boilerplate declaration language actually appears; a signature by itself will not be acceptable. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the one complete page can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

## Exhibit N

## Trademark/Service Mark Amendment to Allege Use (15 U.S.C. Section 1051(c))

The table below presents the data as entered.

I ne table bei	Entered
SERIAL NUMBER	77975745
LAW OFFICE ASSIGNED	LAW OFFICE 102
EXTENSION OF USE	NO
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	NATIONAL CHAMBER
OWNER SECTION (no change)	
GOODS AND/OR SERVICES S	ECTION
INTERNATIONAL CLASS	045
CURRENT IDENTIFICATION	analysis of data, policy and regulatory activity
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	12/07/2006
FIRST USE IN COMMERCE DATE	12/07/2006
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT5\IMAGEOUT5 \\779\\757\\77975745\xml1\\AA\\U0002.JPG
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SPECIMEN DESCRIPTION	screen shots from owner's web site showing use of the mark in connection with the recited services
REQUEST TO DIVIDE	NO
PAYMENT SECTION	··· · · · · · · · · · · · · · · · · ·

NUMBER OF CLASSES IN USE	1		
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100		
TOTAL AMOUNT	100		
SIGNATURE SECTION			
SIGNATORY FILE NAME(S)	\\TICRS\EXPORT5\IMAGEOUT5 \\779\757\77975745\xmII\AA\U0005.JPG		
SIGNATORY'S NAME	Judith K. Richmond		
SIGNATORY'S POSITION	VP and Associate General Counsel		
FILING INFORMATION			
SUBMIT DATE	Wed Jan 28 15:48:38 EST 2009		
TEAS STAMP	USPTO/AAU-63.102.221.27-2 0090128154838203522-77975 745-440c82180c289c51da2dd d8ea0205738fc-DA-2575-200 90128154200630735		

PTO Form ILF: (Rev SI2009)
OMB Re - 41/40254 (Exp. Jw/Ju/2014)

### Trademark/Service Mark Amendment to Allege Use (15 U.S.C. Section 1051(c))

To the Commissioner for Trademarks:

MARK: NATIONAL CHAMBER **SERIAL NUMBER:** 77975745

The applicant, The Chamber of Commerce of the United States of America, having an address of

1615 H Street, N.W.

Washington, District of Columbia 20062

United States

is submitting the following allegation of use information:

For International Class 045:

Current identification: analysis of data, policy and regulatory activity

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 12/07/2006, and first used in commerce at least as early as 12/07/2006, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) screen shots from owner's web site showing use of the mark in connection with the recited services.

Specimen File-1 Specimen File-2 Specimen File-3

The applicant is not filing a Request to Divide with this Allegation of Use form. A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

#### Declaration

#### Signature

Signatory's Name: Judith K. Richmond

Signatory's Position: VP and Associate General Counsel

RAM Sale Number: 2575

RAM Accounting Date: 01/29/2009

Serial Number: 77975745

Internet Transmission Date: Wed Jan 28 15:48:38 EST 2009 TEAS Stamp: USPTO/AAU-63.102.221.27-2009012815483820

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Prepared by the U.S. Chamber of Commerce Research and Analysis Center

U.S. Chamberof Commerce Center for Capital Markets Compatitiveness November 8, 2007

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## Resolves Links

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- August 1 Chamber Asko HOAA to Wilderan Climate Report (Prose Relause) July 11 - Character Status ESA Staff's Plan for Overregulation (Press Rolesse)
- Environment and Energy Committee
- June C. Service O'shake Chaupe hote a Return to Realty (Pross Revalos)

#### Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner, and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: Judi	the K Reglinary
Signatory's Name:	Judoth K Richmond
Signatory's Position:	UP + ASSOC GENERAL COUNTYS)
Date Signed: 123	······································

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page must include both the signature information and the boilerplate declaration language. Do not include the entire application, but do ensure that the boilerplate declaration language actually appears; a signature by itself will not be acceptable. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the one complete page can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

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A Regulatory Burden: The Compliance Dimension of Regulating CO2 as a Pollutant

September 2008

Download the Full Report (PDF)

## Intraduction

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## Retares Links

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- August 1 Chamber Asks NOAA to Wilnords Olimbia Report (Press Release)
- July 11 Chamber Slams EPA Stoff's Plan for Overregulation (Press Release)
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#### Declaration

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The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature	Section:

Signature: Jud th	K Reglinois	
Signatory's Name:	Judoth K Kich mould	<u></u>
Signatory's Position: U	P + ASSOC General	المصالف المسالك
Date Signed: 128 69	•	

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page must include both the signature information and the boilerplate declaration language. Do not include the entire application, but do ensure that the boilerplate declaration language actually appears; a signature by itself will not be acceptable. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the one complete page can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

## **Exhibit P**

### Request for Reconsideration after Final Action

Fig. 35 in 1036 (1966 H2007) - 103 (44 H26) 7 in 105 (104 H26) 8

The table below presents the data as entered.

The table be	low presents the data as entered.
Input Field	Entered 2
SERIAL NUMBER	77975745
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECT	TON (class deleted)
INTERNATIONAL CLASS	045
DESCRIPTION	
analysis of business data, policy relating	g to businesses and regulatory activity relating to businesses
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/07/2006
FIRST USE IN COMMERCE DATE	At least as early as 12/07/2006
GOODS AND/OR SERVICES SECT	TION (class added) Original Class (045)
INTERNATIONAL CLASS	035
DESCRIPTION	Macropologica 18. 1977/2007/00/2
Analysis of governmental policy relating businesses, all for the purpose of promodata analysis	ng to businesses and analysis of regulatory activity relating to oting the interests of businessmen and businesswomen; business
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/07/2006
FIRST USE IN COMMERCE DATE	At least as early as 12/07/2006
SIGNATURE SECTION	
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/William M. Merone/
SIGNATORY'S NAME	William M. Merone

SIGNATORY'S POSITION	Counsel of Record, VSB 38861
DATE SIGNED	08/07/2009
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	w-i
SUBMIT DATE	Fri Aug 07 15:47:45 EDT 2009
TEAS STAMP	USPTO/RFR-198.24.31.70-20 090807154745912086-779757 45-430b318dd75cb3b298ab25 5e2f5553ede-N/A-N/A-20090 807153943995457

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### Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. 77975745 has been amended as follows:

#### CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant hereby deletes the following class of goods/services from the application.

Class 045 for analysis of business data, policy relating to businesses and regulatory activity relating to businesses

#### Applicant hereby adds the following class of goods/services to the application:

New: Class 035 (Original Class: 045) for Analysis of governmental policy relating to businesses and analysis of regulatory activity relating to businesses, all for the purpose of promoting the interests of businessmen and businesswomen; business data analysis

Filing Basis: Section 1(a), Use in Commerce: The mark was first used at least as early as 12/07/2006 and first used in commerce at least as early as 12/07/2006, and is now in use in such commerce.

#### SIGNATURE(S)

#### **Declaration Signature**

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

#### Request for Reconsideration Signature

Signature: /William M. Merone/ Date: 08/07/2009

Signatory's Name: William M. Merone

Signatory's Position: Counsel of Record, VSB 38861

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77975745

Internet Transmission Date: Fri Aug 07 15:47:45 EDT 2009 TEAS Stamp: USPTO/RFR-198.24.31.70-20090807154745912

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## Exhibit Q

To:

The Chamber of Commerce of the United St ETC. (

tmdocketdc@kenyon.com)

Subject:

U.S. TRADEMARK APPLICATION NO. 77975745 - NATIONAL

CHAMBER - 11904-185

Sent:

8/12/2009 6:56:12 PM

Sent As:

ECOM102@USPTO.GOV

**Attachments:** Attachment - 1

Attachment - 2

Attachment - 3

Attachment - 4

Attachment - 5

Attachment - 6

Attachment - 7

Attachment - 8

#### UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO:

77/975745

MARK: NATIONAL CHAMBER

\*77975745\*

CORRESPONDENT ADDRESS:

WILLIAM M. MERONE KENYON & KENYON LLP 1500 K ST NW STE 700

WASHINGTON, DC 20005-1257

RESPOND TO THIS ACTION:

http://www.uspto.gov/teas/eTEASpageD.htm

GENERAL TRADEMARK INFORMATION:

http://www.uspto.gov/main/trademarks.htm

APPLICANT:

The Chamber of Commerce of

the United St ETC.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

11904-185

CORRESPONDENT E-MAIL ADDRESS:

tmdocketdc@kenyon.com

#### OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

#### ISSUE/MAILING DATE: 8/12/2009

Applicant's response filed August 7, 2009, is acknowledged by this office action. The Section 2(e)(1) refusal previously withdrawn has been reinstated in light of the amendment to the identification of services submitted by applicant in its recent response. Please note that the amendment to the identification of services is acceptable.

#### Section 2(e)(1) Refusal

Registration is refused because the applied-for mark merely describes the characteristics/purpose of applicant's services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); see TMEP §§1209.01(b), 1209.03 et seq.

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified services. TMEP §1209.01(b); see In re Steelbuilding.com, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); In re Gyulay, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987).

The term "national" is merely descriptive of services that are nationwide in scope. TMEP §1209.03(o); see, e.g., In re Nat'l Rent A Fence, Inc., 220 USPQ 479 (TTAB 1983) (holding NATIONAL RENT A FENCE merely descriptive of nationwide fence rental services); Nat'l Fid. Life Ins. v. Nat'l Ins. Trust, 199 USPQ 691 (TTAB 1978) (holding NATIONAL INSURANCE TRUST merely descriptive of services of handling administrative matters in locating suitable insurance coverage for attorneys). Furthermore, the term CHAMBER is also descriptive of the type of services illustrated in applicant's identification of services. Applicant has recognized the descriptiveness of the term by disclaiming it. Moreover, the actual wording in the identification of services illustrates the purposes of the services—promote the interests of businessmen and businesswomen. This purpose, as identified in the identification of services, is a purpose common to chambers of commerce.

The mere combination of descriptive words does not automatically create a new nondescriptive word or phrase. See, e.g., In re Associated Theatre Clubs Co., 9 USPQ2d 1660, 1662 (TTAB 1988) (holding GROUP SALES BOX OFFICE merely descriptive for theater ticket sales services); In re Putman Publ'g Co., 39 USPQ2d 2021 (TTAB 1996) (holding FOOD & BEVERAGE ON-LINE merely descriptive of news and information service for the food processing industry).

In this case, the combination of the descriptive words creates no incongruity, and no imagination is required to understand the nature of the goods and/or services, the mark is merely descriptive. Consequently, the proposed mark is refused registration because it is descriptive under Section 2(e)(1) of the Trademark Act. Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

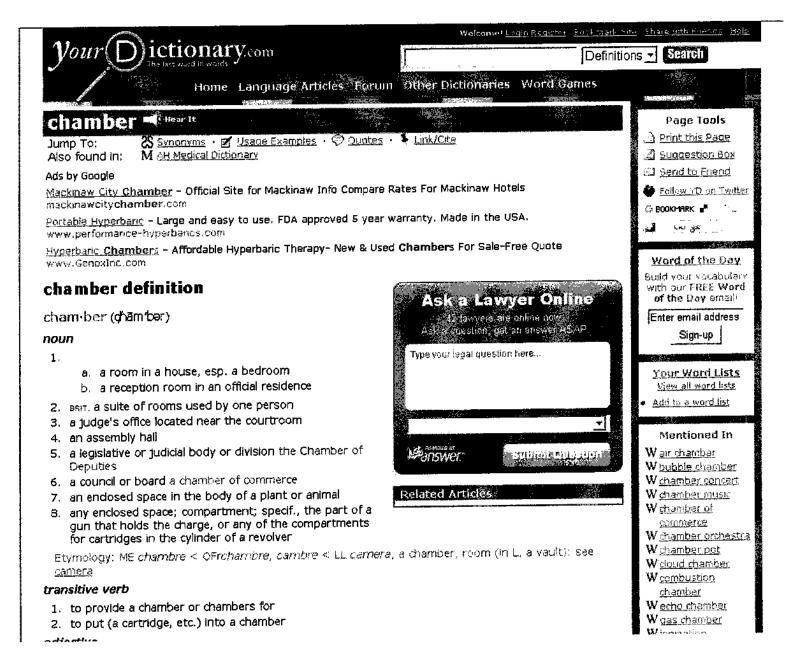
Christopher L. Buongiorno/ /Christopher L. Buongiorno/ Law Office 102 (571) 272-9251

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <a href="http://www.uspto.gov/teas/eTEASpageD.htm">http://www.uspto.gov/teas/eTEASpageD.htm</a>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For technical assistance with the form, please e-mail <a href="https://doi.org/10.1007/TEAS@uspto.gov">TEAS@uspto.gov</a>. For questions about the Office action itself, please contact the assigned examining attorney. Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <a href="http://tarr.uspto.gov">http://tarr.uspto.gov</a>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

<sup>[1]</sup> See attached excerpts retrieved from Lexis News database on August 12, 2009.



#### adjective

of, for, or performing chamber music

#### Related Forms:

· chambered cham'bered adjective

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#### Alternate definitions:

M chamber definition - medical

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W<u>chambar</u> Warchitacture

#### chamber synonyms

#### chamber

#### n.

1. A room

bedroom, antechamber, office, hall; see hall 1, room 2.

2. A small compartment

box, cell, chest; see case 7, container.

3. An organized group

council, legislative house, assembly, body; see committee, government 2, legislature.

Seed by arrangement with John Wiley & Sons, Inc.

#### chamber usage examples

#### converse at abject

• <u>torture</u>: Warwick Castle is a fine medieval castle entered through dungeons, armory and torture chamber.

#### adjective modifier

• <u>anetholo</u>: In the first, the sample is exposed to a sound field in an anetholo chamber.

#### modifies a noun

 orchestra: It was the dream of a group of West Devon music lovers to create a professional chamber orchestra.

#### noun used with modifier

• <u>combustion</u>: Heating System Most vans have space heaters in which the combustion chamber is sealed off from the living area.

#### possessives

<u>barrister</u>: Barristers | Chambers in the UK - F to J maintained by Delia Venables This page was last updated on June 15th.

#### preposition: of

 commerce: Local chambers of commerce or tourism bureaus may also include historic photos on their websites.

#### preposition: with

• aven: Back at the bottom of the even a large chamber with a further even can be entered.

#### chamber usage examples (more)

The word usage examples above have been gathered from various sources to reflect current and historical usage. They do not represent the opinions of YourDictionary.com.

#### chamber quotes

The first sense he had of God was when he was eleven years oldat Chigwell being retired into a chamberalone: he was so suddenly surprised with a sense of Inward comfort and (as he thought) an external glory in the room that he had many times said that from thence he has the Seal of Divinity and Immortality, that there was a God and that the soul of manwas capable of enjoying his divine communications.

-Aubrey, John

One need not be a Chamberoto be Hauntedo One need not be a Houseo The brain has Comdorsosurpassing Material Placeo

-Dickinson, Emily Elizabeth

I throw myself down in my Chamber, and I call in, and invite God, and his Angels thither, and when they are there, I neglect God and his Angels, for the noise of a fly, for the rattling of a coach, for the whining of a door.

-Donne, John

#### chamber quotes (mote)

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W	Chamasieon	<u>chamber music</u>	
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W	charg	<u>chember occhestre</u>	
M	chalybeate	chamber bot	
W	chalybeate	chamber(s)	
W	chalutzim	<u>chambere</u> d	
W	<u>chalutz</u>	<u>chambedain</u>	
W	chalumeau	<u>Chamberland</u>	
W	<u>Chálons sur Marne</u>	<u>Chankarin</u>	W

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ABEX award nominations open The Star Phoenix (Saskatoon, Saskatchewan) August 11, 2009 Tuesday (Copy W/ Orle)

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Source: News & Business > Combined Sources > News, All (English, Full Text) : j .

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ABEX award nominations open The Star Phoenix (Saskatoon, Saskatchewan) August 11, 2009 Tuesday

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> August 11, 2009 Tuesday Final Edition

SECTION: BUSINESS; Pg. D3

BYLINE: The SterPhoenix

BODY:

... longest running, most prominent business awards in Saskatchewan, \* said Steve McLellan, CEO of the Saskatchewan Chamber of Commerce. "Being an ABEX finalist is a testament to a business' success and as a chamber we work hard to promote these businesses and celebrate their accomplishments."

Nomination forms and information on award categories can be found at saskchamber.com.

The ABEX awards dinner will be held in Saskatoon on Oct. 24.

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New chamber takingover Williamson HQ Flint Journal (Michigan) August 7, 2009 Friday (Copy vol Cite)

Pages:

HEADLINE: New chamber takingover Williamson KQ

BODY:

... better assist businesses.

"All the other chambers do wonderful work," he said. "(But) I think there is a clear difference between our organization and theirs - public policy and business advocacy."

Singelis said the Flint Area Chamber of Commerce is not trying to be a rival to anyone.

The organization is just trying to promote business and strengthen the economy by making sure all businesses are involved in the city's policies and decisions.

"We are no longer going to allow Flint dollars to spread countywide," Singelis said.

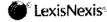
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Schertz chamber happenings San Antonio Express-News August 6, 2009 Thursday (Copyred Cite)

Pages:

HEADLINE: Schertz chamber happenings

BYLINE: Christi Bourquin, CHAMBER INTERIA PRESIDENT

BODY:

... for non-members. RSVP to 566-9000, or email chourguin@schertrohamber.org

The Schertz chamber strives to be a positive, progressive organization in the area, as our mission statement reads: The mission of the Schertz Chamber of Commerce as a non-profit organization is to promote growth and retention of businesses by providing advocacy, training and support to its members.

Please call us to learn more about what chamber membership can do for your business. Call 566-9000, email chourquingschergschamber. ...

Source: News & Business > Combined Sources > News, All (English, Full Text)

Terms: chamber /10 premot! .5 business and date geq (02/12/2009) (Edit Search | Suggest Terms for My Search)

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Rancho Cucamonga Chamber plans annual vintner's celebration Inland Valley Daily Bulletin (Ontario, CA) August 3, 2009 Monday (Copy wd Cite)

Pages:

SECTION: NEWS

LENGTH: 417 Words

MEADLINE: Rancho Cucamonga Chamber plans annual vintner's celebration

BYLINE: Suzanne Sproul, Staff Writer

BODY:

... for the Rancho Cucamonga Chember of Commerce.

Tickets are \$75 per person. Formal attire is requested. Seating is limited.

Proceeds go right back into the business community in a continual effort to promote local businesses and to keep the chamber strong. And during the years, the event has become a social staple in August, presenting a sort of taste of the Inland Valley to residents.

"Last year we had standing room only, and we've already sold ...

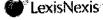
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To:

The Chamber of Commerce of the United St ETC. (

tmdocketde@kenyon.com)

Subject:

U.S. TRADEMARK APPLICATION NO. 77975745 - NATIONAL

CHAMBER - 11904-185

Sent:

8/12/2009 6:56:14 PM

Sent As:

ECOM102@USPTO.GOV

**Attachments:** 

## IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 77975745) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 8/12/2009 to which you must respond (unless the Office letter specifically states that no response is required). Please follow these steps:

1. Read the Office letter by clicking on this <u>link</u>
<a href="http://tmportal.uspto.gov/external/portal/tow?DDA=Y&scrial\_number=77975745&doc\_type=OOA&">http://tmportal.uspto.gov/external/portal/tow?DDA=Y&scrial\_number=77975745&doc\_type=OOA&</a>
OR go to <a href="http://tmportal.uspto.gov/external/portal/tow">http://tmportal.uspto.gov/external/portal/tow</a> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact <a href="https://tmportal.uspto.gov">TDR@uspto.gov</a>.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

- 2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).
- 3. Respond within 6 months, calculated from 8/12/2009 (or sooner if specified in the Office letter), using the Trademark Electronic Application System (TEAS) Response to Office Action form. If you have difficulty using TEAS, contact TEAS@uspto.gov.

#### ALERT:

Failure to file any required response by the applicable deadline will result in the <u>ABANDONMENT</u> (loss) of your application.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the

USPTO does NOT accept e-mailed responses.

# Exhibit R

#### **Response to Office Action**

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Serial No. 77975745			

Applicant seeks registration of the mark NATIONAL CHAMBER for "Analysis of governmental policy relating to businesses and analysis of regulatory activity relating to businesses, all for the purpose of promoting the interests of businessmen and businesswomen; business data analysis" in International Class 35.

The Examining Attorney has refused registration on the basis that the mark is allegedly merely descriptive, citing 15 USC 1052(e)(1). Applicant respectfully disagrees with the Examining Attorney's assertions and has set forth below its response to the refusal.

In addition, Applicant's review of the Examining Attorney's arguments in support of the descriptiveness refusal has highlighted a misunderstanding that Applicant had as to the scope of the disclaimer for the term CHAMBER that it was required to enter earlier during prosecution of the parent application. As Applicant does not believe that a disclaimer of the services currently are at issue in the present application (as amended) would be warranted under Office policy, Applicant is respectfully requesting pursuant to TMEP Section 1213.01(c) that the disclaimer be withdrawn in this case.

#### Response to Descriptiveness Refusal

The Examining Attorney contends that NATIONAL CHAMBER is merely descriptive for the subject services because the phrase supposedly describes an "ingredient, quality, characteristic, function, feature, purpose or use of the specified services." Specifically, the Examining Attorney contends that because CHAMBER can be understood to refer to an organization (such as a chamber of commerce) that serves to promote the interests of businessmen and businesswomen, and NATIONAL implies services that are "nationwide in scope," the unitary mark "NATIONAL CHAMBER" therefore describes a purpose of the services of "analysis of governmental policy relating to businesses and analysis of regulatory activity relating to businesses, all for the purpose of promoting the interests of businessmen and businesswomen" and/or of "business data analysis".

Applicant submits, however, that this is not an appropriate analysis. The question is not whether a term

(such as CHAMBER) is used by organizations for a particular purpose, but whether it is descriptive of that particular purpose. Here, that distinction is key.

There is no suggestion in the record that the term CHAMBER-let alone the unitary mark NATIONAL CHAMBER-describes the purpose of the services of either "analysis of governmental policy data." or "business data analysis." The purpose of those services is not "CHAMBER"-it is (at least with respect to "analysis of governmental policy") "to promote the interests of businessmen and businesswomen." And although many "chambers" may also promote those goals, the word itself does not describe the goals. Rather, as the references cited by Examining Attorney make clear, the word "chamber" simply means, among other things, a "chamber of commerce."

Thus, the fact that the purpose of the proposed services may be "a purpose common to chambers of commerce" does not automatically render the term CHAMBER (or, for that matter, CHAMBER OF COMMERCE) merely descriptive for those services, much less NATIONAL CHAMBER. Were this not so, then the term CHAMBER (along with any other generic term commonly used to identify a type of organization) would be *de jure* descriptive for <u>all</u> services if those services could be seen as promoting the same purposes as the organization (which is what one would expect, for why else would an organization provide those services?), which is a position not supported by the law.

Further, and as alluded to above, the term NATIONAL cannot be analyzed in the abstract and apart from CHAMBER. Even if one were to accept the legal analysis applied in this matter, there is no evidence that "NATIONAL CHAMBER" as a whole is descriptive for the purpose of "promoting the interests of businessmen and businesswomen." In fact, the evidence is that the Office previously registered NATIONAL CHAMBER (U.S. Reg. No. 1436813) for "association services, namely promoting the interest of business men and women" without requiring a showing of acquired distinctiveness. Consequently, the mark cannot be deemed to be merely descriptive for the subject services, which as discussed above, have no connection to the term "CHAMBER".

#### Request to Remove Disclaimer

During Applicant's review of the Examining Attorney's arguments in support of the claim of descriptiveness, Applicant has become aware that the Examining Attorney is interpreting Applicant's previous disclaimer of "CHAMBER" (made in December 2007) as constituting an admission by Applicant that the term is supposedly descriptive for all of the services covered in the application as was pending at that time. As that is not the case, Applicant wishes to clarify the scope of its previous disclaimer and to withdraw it with respect to any services for which a disclaimer is not required under Office policy.

At the time Applicant filed its disclaimer of CHAMBER, it was simultaneously moving to amend its description of services to recite the following: "providing on line directory information services of local and state Chambers of Commerce". See Response to Office Action (12/5/07). In the context of those services, the term CHAMBER is admittedly descriptive, which is why Applicant offered the disclaimer. Further, it must be noted that in the Office Action to which Applicant was responding, the Examining Attorney only presented evidence of descriptiveness as to those specific services (which were identified then as "providing on line directory information services"). See Office Action (6/5/07). Moreover, even if one could contend that an unrestricted disclaimer would have been appropriate required at the time it was filed in this case, subsequent prosecution over the past two years has resulted

in significant changes to the identification language.

Therefore, pursuant to TMEP Section 1213.01(c), Applicant is requesting that the previously entered disclaimer of CHAMBER be restricted and apply only to the services of "Providing online directory information services featuring information regarding local and state Chambers of Commerce", which was the scope intended by Applicant. See TBMP §1213 ("A disclaimer may be limited to pertain to only certain classes, or to only certain goods or services."). Applicant submits that affording the disclaimer greater scope than was intended by Applicant would result in the voluntary disclaimer of matter not required by Office policy, thereby justifying withdrawal. See TBMP §1213.01(c).

In the present application, because none of the services at issue fall within the proper scope of the disclaimer (namely, the services of "providing on line directory information services of local and state Chambers of Commerce"), no disclaimer would remain.

For the above reasons, Applicant respectfully requests that both the Section 2(e)(1) refusal and any disclaimer of CHAMBER for the services at issue in this pending application be withdraw. If the Examining Attorney has any questions, he may contacted counsel for Applicant at (202) 220 - 4270 or by email at wmerone@kenyon.com

Respectfully submitted,

William M. Merone Kenyon & Kenyon LLP Counsel for Applicant

#### ADDITIONAL STATEMENTS SECTION

ADDITIONAL STATEMENTS 5		
MISCELLANEOUS STATEMENT	Please delete the disclaimer currently of record	
SIGNATURE SECTION		
RESPONSE SIGNATURE	/William M. Merone/	
SIGNATORY'S NAME	William M. Merone	
SIGNATORY'S POSITION	Counsel for Applicant (VA38861)	
DATE SIGNED	11/20/2009	
AUTHORIZED SIGNATORY	YES	
FILING INFORMATION SECTI	ON	
SUBMIT DATE	Fri Nov 20 13:34:48 EST 2009	
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#### Response to Office Action

#### To the Commissioner for Trademarks:

Application serial no. 77975745 has been amended as follows:

#### ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

#### Serial No. 77975745

Applicant seeks registration of the mark NATIONAL CHAMBER for "Analysis of governmental policy relating to businesses and analysis of regulatory activity relating to businesses, all for the purpose of promoting the interests of businessmen and businesswomen; business data analysis" in International Class 35.

The Examining Attorney has refused registration on the basis that the mark is allegedly merely descriptive, citing 15 USC 1052(e)(1). Applicant respectfully disagrees with the Examining Attorney's assertions and has set forth below its response to the refusal.

In addition, Applicant's review of the Examining Attorney's arguments in support of the descriptiveness refusal has highlighted a misunderstanding that Applicant had as to the scope of the disclaimer for the term CHAMBER that it was required to enter earlier during prosecution of the parent application. As Applicant does not believe that a disclaimer of the services currently are at issue in the present application (as amended) would be warranted under Office policy, Applicant is respectfully requesting pursuant to TMEP Section 1213.01(c) that the disclaimer be withdrawn in this case.

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Applicant submits, however, that this is not an appropriate analysis. The question is not whether a term

(such as CHAMBER) is *used* by organizations for a particular purpose, but whether it is *descriptive of* that particular purpose. Here, that distinction is key.

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Thus, the fact that the purpose of the proposed services may be "a purpose common to chambers of commerce" does not automatically render the term CHAMBER (or, for that matter, CHAMBER OF COMMERCE) merely descriptive for those services, much less NATIONAL CHAMBER. Were this not so, then the term CHAMBER (along with any other generic term commonly used to identify a type of organization) would be *de jure* descriptive for <u>all</u> services if those services could be seen as promoting the same purposes as the organization (which is what one would expect, for why else would an organization provide those services?), which is a position not supported by the law.

Further, and as alluded to above, the term NATIONAL cannot be analyzed in the abstract and apart from CHAMBER. Even if one were to accept the legal analysis applied in this matter, there is no evidence that "NATIONAL CHAMBER" as a whole is descriptive for the purpose of "promoting the interests of businessmen and businesswomen." In fact, the evidence is that the Office previously registered NATIONAL CHAMBER (U.S. Reg. No. 1436813) for "association services, namely promoting the interest of business men and women" without requiring a showing of acquired distinctiveness. Consequently, the mark cannot be deemed to be merely descriptive for the subject services, which as discussed above, have no connection to the term "CHAMBER".

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Therefore, pursuant to TMEP Section 1213.01(c), Applicant is requesting that the previously entered disclaimer of CHAMBER be restricted and apply only to the services of "Providing online directory information services featuring information regarding local and state Chambers of Commerce", which was the scope intended by Applicant. See TBMP §1213 ("A disclaimer may be limited to pertain to only certain classes, or to only certain goods or services."). Applicant submits that affording the disclaimer greater scope than was intended by Applicant would result in the voluntary disclaimer of matter not required by Office policy, thereby justifying withdrawal. See TBMP §1213.01(c).

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Respectfully submitted,

William M. Merone Kenyon & Kenyon LLP Counsel for Applicant

#### ADDITIONAL STATEMENTS

Please delete the disclaimer currently of record

#### SIGNATURE(S)

Response Signature

Signature: /William M. Merone/ Date: 11/20/2009

Signatory's Name: William M. Merone

Signatory's Position: Counsel for Applicant (VA38861)

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77975745

Internet Transmission Date: Fri Nov 20 13:34:48 EST 2009 TEAS Stamp: USPTO/ROA-67.233.84.50-20091120133448563

198-77975745-4603313a38ce6c4bc5f92a7f37d ad876cb5-N/A-N/A-20091120133008971952

# **Exhibit S**

To:

The Chamber of Commerce of the United St ETC. (wmerone@kenyon.com)

Subject:

U.S. TRADEMARK APPLICATION NO. 77975745 - NATIONAL

CHAMBER - 11904-185

Sent:

12/16/2009 1:34:57 PM

Sent As:

ECOM102@USPTO.GOV

Attachments: Attachment - 1

Attachment - 2

Attachment - 3

Attachment - 4

Attachment - 5

Attachment - 6

Attachment - 7

Attachment - 8

Attachment - 9

Attachment - 10

Attachment - 11

Attachment - 12

Attachment - 13

Attachment - 14

Attachment - 15 Attachment - 16

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Attachment - 40

Attachment - 41

Attachment - 42

Attachment - 43

Attachment - 44

Attachment - 45

#### UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO:

77/975745

MARK: NATIONAL CHAMBER

\*77975745\*

CORRESPONDENT ADDRESS:

WILLIAM M. MERONE KENYON & KENYON LLP 1500 K ST NW STE 700 WASHINGTON, DC 20005-1257 RESPOND TO THIS ACTION:

http://www.uspto.gov/teas/eTEASpageD.htm

GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/main/trademarks.htm

APPLICANT:

The Chamber of Commerce of

the United St ETC.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

11904-185

**CORRESPONDENT E-MAIL ADDRESS:** 

wmerone@kenyon.com

#### OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 12/16/2009

THIS IS A FINAL ACTION.

Applicant's response to the Section 2(e)(1) refusal filed on November 20, 2009, is acknowledged by this FINAL office action. Applicant provided a disclaimer of the term CHAMBER in its December 5, 2007, response. Applicant now withdraws that disclaimer in its response to the refusal. The disclaimer has been withdrawn but terms such as "Corporation," "Inc." and "Ltd." must be disclaimed because they merely specify applicant's entity type and do not function as a trademark or service mark to indicate source. TMEP §1213.03(d); see, e.g., In re Patent & Trademark Servs., Inc., 49 USPQ2d 1537, 1539-40 (TTAB 1998); In re The Paint Prods. Co., 8 USPQ2d 1863, 1866 (TTAB 1988). Applicant is identified as The Chamber of Commerce of the United States of America and therefore the disclaimer is improper but entered into the record. There is sufficient evidence in the record to demonstrate that the term CHAMBER is an entity type.

The examining attorney has considered applicant's arguments. However, applicant has failed to show why its mark would be perceived as a source indicator and not simply as descriptive terms. Therefore, the refusal under Section 2(e)(1) is made FINAL.

#### Section 2(e)(1) Refusal - Final

Registration was refused because the applied-for mark merely describes the characteristics/purpose of applicant's services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); see TMEP §§1209.01(b), 1209.03 et seq. Applicant has not provided any arguments that illustrate why the mark would not be perceived as descriptive of the services.

In its response, applicant asserts the following: "[a]s Applicant does not believe that a disclaimer of the services currently are at issue in the present application (as amended) would be warranted under Office policy, Applicant is respectfully requesting pursuant to TMEP Section 1213.01(c) that the disclaimer be withdrawn in this case." The examining attorney does not understand the nature of applicant's assertion.

Applicant has not rebutted the evidence of record which illustrates the descriptiveness of the proposed mark. Specifically, the term NATIONAL has been held to describe the geographical scope of services. See In re Nat'l Rent A Fence, Inc., 220 USPQ 479 (TTAB 1983) (holding NATIONAL RENT A FENCE merely descriptive of nationwide fence rental services); and Nat'l Fid. Life Ins. v. Nat'l Ins. Trust, 199 USPQ 691 (TTAB 1978) (holding NATIONAL INSURANCE TRUST merely descriptive of services of handling administrative matters in locating suitable insurance coverage for attorneys). Applicant has not shown why these cases do not apply to applicant's mark or services.

Applicant argues that because it obtained a registration for NATIONAL CHAMBER for "association services, namely promoting the interest of business men and women" in 1987, applicant's proposed mark should also be registered. Applicant has not cited to any case law that supports this proposition nor is the examining attorney aware of any case that mandates the registration of a mark if it was previously registered. Moreover, prior decisions and actions of other trademark examining attorneys in registering marks have little evidentiary value and are not binding upon the Office. TMEP §1207.01(d)(vi). Each case is decided on its own facts, and each mark stands on its own merits. See AMF Inc. v. Am. Leisure Prods., Inc., 474 F.2d 1403, 1406, 177 USPQ 268, 269 (C.C.P.A. 1973); In re Int'l Taste, Inc., 53 USPQ2d 1604, 1606 (TTAB 2000); In re Sunmarks, Inc., 32 USPQ2d 1470, 1472 (TTAB 1994). Any distinctiveness applicant's mark once had has evidently been lost as illustrated by the attached

registrations which include disclaimers of the term CHAMBER and show registered marks that include the term NATIONAL under Section 2(f) of the Trademark Act. [2]

Applicant alleges that the term NATIONAL cannot be analyzed in the abstract and apart from CHAMBER. In determining the descriptiveness of a term or mark comprising more than one element, it is permissible to consider the significance of each element separately in the course of evaluating the term or mark as a whole. See In re Hotels.com, L.P., 573 F.3d 1300, 1301, 1304, 1306, 91 USPQ2d 1532, 1533, 1535, 1537 (Fed. Cir. 2009) (holding HOTELS.COM generic for information and reservation services featuring temporary lodging when noting that the Board did not commit error in considering "the word 'hotels' for genericness separate from the '.com' suffix"); In re Oppedahl & Larson LLP, 373 F.3d 1171, 1174-75, 71 USPQ2d 1370, 1372 (Fed. Cir. 2004) (holding PATENTS.COM merely descriptive of computer software for managing and tracking the status of database records when noting that "the PTO may [separately] consider the meaning of 'patents' and the meaning of '.com' with respect to the goods identified in the application."); In re Save Venice N.Y., Inc., 259 F.3d 1346, 1352, 59 USPQ2d 1778, 1782 (Fed. Cir. 2001) (holding a mark primarily geographically deceptively misdescriptive for a variety of goods when noting that "[i]t is not erroneous, however, for the examiner to consider the significance of each element within the composite mark in the course of evaluating the mark as a whole.").

The term CHAMBER is descriptive of the amended identification of services in addition to identifying applicant's entity type. The examining attorney has provided a competent evidentiary record showing the use of the term CHAMBER as a term used in connection with promoting a cause. Attached to this final office action is additional evidence showing wide use of the terms CHAMBER. Applicant is identified in the application as the following: The Chamber of Commerce of the United States of America. Consequently, it is disingenuous for applicant to claim that the term CHAMBER is not descriptive. When you are identified as the Chamber of Commerce of the United States of America it is reasonable to conclude that the services you provide are national in scope. Accordingly, the refusal under Section 2(e)(1) is made FINAL.

#### **Applicant's Options**

If applicant does not respond within six months of the mailing date of this final Office action, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final Office action by:

- (1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or
- (2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class.

37 C.F.R. §§2.6(a)(18), 2.64(a); TBMP ch. 1200; TMEP §714.04.

In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; see 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is

Christopher L. Buongiorno/ /Christopher L. Buongiorno/ Law Office 102 (571) 272-9251

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <a href="http://www.uspto.gov/teas/cTEASpageD.htm">http://www.uspto.gov/teas/cTEASpageD.htm</a>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For technical assistance with the form, please e-mail <a href="https://doi.org/10.1007/TEAS@uspto.gov">TEAS@uspto.gov</a>. For questions about the Office action itself, please contact the assigned examining attorney. Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <a href="http://tarr.uspto.gov">http://tarr.uspto.gov</a>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

<sup>[1]</sup> See cancelled U.S. Reg. No. 1436813. A copy of the X-search document for the referenced cancelled registration is attached to this action.

<sup>[2]</sup> See attached copies of registrations retrieved from a search on the Office's X-search database performed on December 15, 2009.

<sup>[3]</sup> See attached entry retrieved from Wikipedia on December 16, 2009.

<sup>[4]</sup> See attachments retrieved from a search on www.google.com performed on December 16, 2009, demonstrating the use of the term CHAMBER to identify chambers of commerce. Applicant is identified as the following: Chamber of Commerce of the United States of America.

Print: Dec 15, 2009

77240680

#### **DESIGN MARK**

#### Serial Number

77240680

#### Status

REGISTERED

#### Word Mark

NATIONAL GAY & LESBIAN CHAMBER OF COMMERCE

#### Standard Character Mark

Yes

#### Registration Number

3470754

#### **Date Registered**

2008/07/22

#### Type of Mark

SÉRVICE MARK

#### Register

PRINCIPAL

#### Mark Drawing Code

(4) STANDARD CHARACTER MARK

National Gay and Lesbian Chamber of Commerce CORPORATION DELAWARE 2000 P Street, NW, Suite 300 Washington D.C. 20036

#### Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Chamber of commerce services, namely, promoting business for the lesbian, gay, bisexual, and transgender business community in the United States. First Use: 2002/05/31. First Use In Commerce: 2002/11/11.

#### Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHAMBER OF COMMERCE" APART FROM THE MARK AS SHOWN.

#### Section 2f Statement

2(F) ENTIRE MARK

#### Filing Date

2007/07/27

#### **Examining Attorney**

IZZI, MARILYN

#### Print: Dec 15, 2009 77240680

Attorney of Record Damon J. Whitaker

## NATIONAL GAY & LESBIAN CHAMBER OF COMMERCE

77433060 Print: Dec 15, 2009

#### **DESIGN MARK**

#### Serial Number

77433060

#### Status

ABANDONED - AFTER PUBLICATION

#### Word Mark

NATIONAL CHAMBER OF COMMERCE

#### Standard Character Mark

Yes

#### Type of Mark

SERVICE MARK

#### Register

PRINCIPAL

#### Mark Drawing Code

(4) STANDARD CHARACTER MARK

#### Owner

National Chamber Of Commerce, LLC LIMITED LIABILITY COMPANY NEVADA 3395 S. Jones Blvd. #313 Las Vegas NEVADA 89146

#### Goods/Services

Class Status -- ABANDONED. IC 035. US 100 101 102. G & S: Administration of an exchange program for small business owners to barter for the goods and services of others to create cross-marketing opportunities. First Use: 2001/03/06. First Use In Commerce: 2001/03/06.

#### Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHAMBER OF COMMERCE" APART FROM THE MARK AS SHOWN.

#### Section 2f Statement

2(F) ENTIRE MARK

#### Filing Date

2008/03/27

#### Examining Attorney

FARRELL, ANNE

#### Attorney of Record

Thomas D. Foster

## NATIONAL CHAMBER OF COMMERCE

77509562 Print: Dec 15, 2009

#### **DESIGN MARK**

#### Serial Number

77509562

#### Status

REGISTERED

#### Word Mark

NATIONAL FRIENDS OF ANIMALS CHAMBER OF COMMERCE

#### Standard Character Mark

Yes

#### **Registration Number**

3600592

#### **Date Registered**

2009/03/31

#### Type of Mark

SERVICE MARK

#### Register

SUPPLEMENTAL

#### **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

The Indiana Society for the Prevention of Cruelty to Animals CORPORATION INDIANA 333 N. Highland Avenue Indianapolis INDIANA 46202

#### Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Chamber of Commerce services, namely, promoting business for the animal rights business community in the United States. First Use: 2008/06/02. First Use In Commerce: 2008/06/02.

#### Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHAMBER OF COMMERCE" APART FROM THE MARK AS SHOWN.

#### Filing Date

2008/06/27

#### Amended Register Date

2009/02/18

#### Examining Attorney

MONINGHOFF, KIM

### NATIONAL FRIENDS OF ANIMALS CHAMBER OF COMMERCE

Print: Dec 15, 2009

77601916

#### **DESIGN MARK**

#### Serial Number

77601916

#### Status

REGISTERED

#### **Word Mark**

NATIONAL BLACK CHAMBER OF COMMERCE

#### Standard Character Mark

Yes

#### Registration Number

3666086

#### **Date Registered**

2009/08/11

#### Type of Mark

SERVICE MARK

#### Realster

PRINCIPAL

#### **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

National Black Chamber of Commerce CORPORATION D.C. #405 1350 Connecticut Avenue Washington D.C. 20036

#### Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Association services, namely, promoting the interests of black owned business. First Use: 1991/02/02. First Use In Commerce: 1991/02/02.

#### Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHAMBER OF COMMERCE" APART FROM THE MARK AS SHOWN.

#### Section 2f Statement

2(F) ENTIRE MARK

#### Filing Date

2008/10/28

#### **Examining Attorney**

FLETCHER, TRACY

Print: Dec 15, 2009 77601916

Attorney of Record Janet Peyton

# National Black Chamber of Commerce

78752028

#### Print: Dec 15, 2009

#### **DESIGN MARK**

#### Serial Number

78752028

#### Status

REGISTERED

#### Word Mark

NATIONAL US-ARAB CHAMBER OF COMMERCE

#### Standard Character Mark

Yes

#### Registration Number

3249060

#### Date Registered

2007/06/05

#### Type of Mark

SERVICE MARK

#### Register

PRINCIPAL

#### **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

#### Owner

National U.S.-Arab Chamber of Commerce CORPORATION D.C. Suite 400 1023 15th Street, N.W. Washington D.C. 20006

#### Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Association services, namely promoting the interests of business persons by supporting and strengthening US-Arab business and economic cooperation; organizing and conducting business conferences in the field of economic and business strategies for investment and trade between the US and the Arab world. First Use: 1995/05/01. First Use In Commerce: 1995/05/01.

#### Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational services, namely organizing and conducting educational classes, conferences, seminars and symposia in the field of economic and business strategies for investment and trade between the U;S; and the Arab world. First Use: 1995/05/01. First Use In Commerce: 1995/05/01.

#### **Goods/Services**

#### Print: Dec 15, 2009 78752028

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Authentication of commercial documents used in international transactions. First Use: 1995/05/01. First Use In Commerce: 1995/05/01.

#### Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHAMBER OF COMMERCE" APART FROM THE MARK AS SHOWN.

#### Section 2f Statement

2(F) ENTIRE MARK

#### Filing Date

2005/11/11

#### **Examining Attorney**

ALFIERI, AMY

### NATIONAL US-ARAB CHAMBER OF COMMERCE

Print: Dec 15, 2009 78954270

#### **DESIGN MARK**

#### Serial Number

78954270

#### Status

REGISTERED

#### Word Mark

INTERNATIONAL CHAMBER OF E-COMMERCE

#### Standard Character Mark

No

#### **Registration Number**

3424735

#### Date Registered

2008/05/06

#### Type of Mark

SERVICE MARK

#### Register

PRINCIPAL

#### **Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

#### Owner

International Chamber of E-Commerce, Inc. CORPORATION FLORIDA Suite 600 100 W. Lucerne Circle Orlando FLORIDA 32801

#### Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Providing temporary use of on-line nondownloadable software for use by online retail merchants to facilitate online ordering of such merchants' goods by their customers and electronic transaction processing via an integrated online shopping cart; computer services, namely, designing and creating websites for others; hosting the websites of others on a computer server for a global computer network; computer services, namely, remote and on-site management of website content, electronic messaging systems and applications for others; Providing customized online web pages featuring user-defined information, which includes search engines and online web links to other web sites; computer services, namely, providing search engine for obtaining data on the internet for others; providing information at the specific request of end-users by searching and retrieving information via the internet, computer services, namely, creating indexes of information, sites and other resources available on the internet. First Use: 2007/11/01. First Use In Commerce: 2007/11/01.

#### Print: Dec 15, 2009

#### Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Payment services and financial services for others, namely, providing electronic processing of credit card transactions and electronic payments via the internet. First Use: 2007/11/01. First Use In Commerce: 2007/11/01.

#### Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business consultation; Advertising and marketing for others, namely, dissemination of advertising for others via the internet and providing advertising space on the internet; e-commerce services, namely, promoting the goods and services of others by means of operating an online shopping mall with links to the retail websites of others; providing on-line directory information services also featuring hyperlinks to other web sites; on-line trading services in which seller posts products to be auctioned and bidding is done via the internet; and on-line auction services. First Use: 2007/11/01. First Use In Commerce: 2007/11/01.

#### Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INTERNATIONAL CHAMBER OF E-COMMERCE" APART FROM THE MARK AS SHOWN.

#### **Colors Claimed**

The color(s) gold, blue, white, black and yellow is/are claimed as a feature of the mark.

#### Part of Mark in Color

The color gold appears in the outer and inner circles and in the design of the continents; the color blue appears in the middle circle between the inner and outer circle design; the color white appears in all of the wording and in the middle of the continent design within the circle; the color black appears in the water surrounding the continents; the color yellow appears over parts of the continent of Asia.

#### Filing Date

2006/08/17

#### Examining Attorney

DAWE, BILL

#### Attorney of Record

Nancy S. Freeman



#### Print: Dec 15, 2009

#### 73461692

#### **TYPED DRAWING**

#### Serial Number

73461692

#### Status

CANCELLED - SECTION 8

#### **Word Mark**

NATIONAL CHAMBER

#### **Standard Character Mark**

No

#### **Registration Number**

1436813

#### **Date Registered**

1987/04/14

#### Type of Mark

SERVICE MARK

#### Register

PRINCIPAL

#### **Mark Drawing Code**

(1) TYPED DRAWING

#### Owner

CHAMBER OF COMMERCE OF THE UNITED STATES, THE CORPORATION D.C. 1615 H STREET, N.W. WASHINGTON D.C. 20062

#### Goods/Services

Class Status -- SECTION 8 - CANCELLED. IC 042. US 100. G & S: ASSOCIATION SERVICES, NAMELY PROMOTING THE INTEREST OF BUSINESS MEN AND WOMEN. First Use: 1915/12/04. First Use In Commerce: 1915/12/04.

#### Filing Date

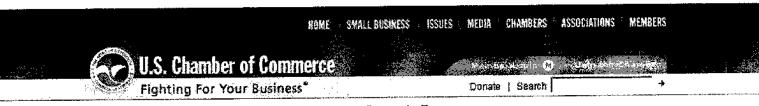
1984/01/20

#### **Examining Attorney**

SALEMI, DOMINICK

#### **Attorney of Record**

Edward T. Colbert



CHAMBERS & ASSOCIATIONS

Associations

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Indicates a Federation Partner

(links to Chamber websites will load in a new window)

#### State Chamber(s) for your search

Chamber Name: Virginia Chamber of Commerce 🔬

Address: 9 South 5th St

City: Richmond

State: VA

Zip Code: 23219

Phone: (804) 644-1607

Website: www.vachamber.com

# Complete Search Results

Chamber Name: Afghan American Chamber of Commerce

Address: 8201 Greensboro Dr. Suite 103

City: McLean

State: VA

Zip Code: 22102

Phone Number: (703) 442-5005

Fax Number: (703) 442-5008

Chamber Name: Alexandria Chamber of Commerce

Address: 601 N Fairfax St Ste 420

City: Alexandria

State: VA

# http://www.uschamber.com/chambers/directory/default.htm?st=va \_\_\_12/16/2009 09:05:13 AM







Zip Code: 22314

Phone Number: (703) 549-1000 Fax Number: (703) 739-3805

Website: www.alexchamber.com

Chamber Name: Arlington Chamber of Commerce, Inc.

Address: 2009 14th Street North Suite 111

City: Arlington State: VA

Zip Cude: 22201

Phone Number: (703) 525-2400 Fax Number: (703) 522-5273

Website: www.srlingtonchamber.org

Chamber Name: Bedford Area Chamber of Commerce 😨

Address: 305 E Main St City: Bedford State: VA Zip Code: 24523

Phone Number: (540) 586-9401 Fax Number: (540) 587-6650

Website: www.bedfordareachamber.com

Chamber Name: Chamber of Commerce of Smyth County, Inc.

Address: PO Box 924 City: Marion State: VA Zip Code: 24354

Phone Number: (276) 703-3181 Fax Number: (276) 783-8003

Website: http://www.smythchamber.org

Chamber Name: Charlottesville Regional Chamber of Commerce

Address: PO Box 1564 City: Charlottesville

State: VA **Zip Code:** 22902

Phone Number: (434) 295-3141 Fax Number: (434) 295-3144

Website: www.cvillechamber.com

Chamber Name: Chesterfield County Chamber of Commerce

Address: 9330 Iron Bridge Rd Suite B

City: Chesterfield

State: VA Zip Code: 23832

Phone Number: (804) 748-6364 Fax Number: (804) 796-6931

Website: www.chesterfieldchamber.com

Chamber Name: Denville Pittsylvania County Chamber of Commerce 🥏

Address: PO Box 99 City: Blairs

State: VA

Zîp Code: 24527 Phone Number: (434) 836-6990

Fax Number: (804) 432-1344 Website: www.dochamber.org

Chamber Name: Dulles Regional Chamber of Commerce

Address: PO Box 327 City: Herndon State: VA

Zip Code: 20172

Phone Number: (703) 437-5556 Fax Number: (703) 787-8859

Website: http://www.dullesregionalchamber.org/

Chamber Name: Fairfax County Chamber of Commerce

Address: 8230 Old Courthouse Rd Suite 350

City: Vienna State: VA Zip Code: 22182

Phone Number: (703) 749-0400 Fax Number: (703) 749-9075 Website: www.fccc.org

Chamber Name: Franklin County Chamber of Commerce & Tourism

Address: PO Box 158 City: Rocky Mount

State: VA Zip Code: 24151

Phone Number: (540) 483-9542 Fax Number: (540) 483-0653 Website: www.franklincounty.org Chamber Name: Fredericksburg Regional Chamber of Commerce

Address: PO Box 7476 City: Fredericksburg

State: VA Zip Code: 22404

Phone Number: (540) 373-9400 Fax Humber: (540) 373-9570

Wobsite: yww.frederloksburgchamber.org

Chamber Name: Front Royal-Warren County Chamber of Commerce

Address: 104 E Main St City: Front Royal State: VA

Zip Code: 22630 Phone Number: (540) 635-3185 Fax Number: (540) 635-9758

Website: www.frontrovalchamber.com

Chamber Name: Greater Augusta Regional Chamber of Commerce

Address: PO Box 1107 City: Fishersyllle State: VA Zip Code: 22939

Phone Number: (540) 949-8203 Fax Number: (540) 949-7240

Website: www.augustachamber.org

Chamber Name: Greater McLean Chamber of Commerce

Address: 143/ Halls Hill Rd

City: McLean State: VA Zip Code: 22101

Phone Number: (703) 356-5424 Fax Number: (703) 356-9244

Website: www.mcleanchamber.org

Chamber Name: Greater Richmond Chamber of Commerce

Address: PO Box 1598 City: Richmond State: VA **Zip Code: 23218** 

Rhono Shumber- /0841 649 4 994

Phone Number: (884) 648-1234 Fax Number: (804) 780-0344 Website: www.arcc.com

Chamber Name: Greater Springfield Chamber of Commerce

Address: 6434 Brandon Ave. Suite 3a

City: Springfield State: VA Zip Code: 22150

Phone Number: (703) 866 3601 Fax Number: (793)866-3501

Website: www.springfieldchamber.org

Chamber Name: Greater Williamsburg Chamber & Tourism Alliance

Address: PO Box 3495 City: Williamsburg State: VA

Zip Code: 23187 Phone Number: (757) 229-6511 Fax Number: (757) 229-2047

Website: www.williamsburgcc.com

Chamber Name: Halifax County Chamber of Commerce 🧔

Address: PO Box 399 City: South Boston

State: VA Zip Code: 24592

Phone Number: (434) 572-3085 Fax Number: (434) 672-1733

Website: www.halifaxchamber.net

Chamber Name: Hampton Roads Chamber of Commerce

Address: 508 E Main St Sulte 700

City: Norfolk State: VA Zip Code: 23510

Phone Number: (757) 864-2500 Fax Number: (757) 622-5563 Website: http://www.hracva.com

Chamber Name: Harrisonburg-Rockingham Chamber of Commerce

Address: 800 Country Club Rd fitte Harricanhura

City: Harrisonburg

State: VA Zip Code: 22802

Phone Number: (540) 434-3862 Fax Mumber: (540) 434-4508 Website: www.hrchamber.org

Chamber Name: Loudoun County Chamber of Commerce 了

Address: 19301 Winmoade Dr. Sto 210

City: Leasburg

State: VA Zip Code: 20178

Phone Number: (703) 777-2176 Fax Number: (703) 777-1392

Website: www.loudounchamber.org

Chamber Name: Lynchburg Regional Chamber of Commerce 🦃

Address: 2015 Memorial Ave

City: Lynchburg State: VA

Zip Code: 24501

Phone Number: (434) 845-5968 Fax Number: (434) 522-9592

Website: www.lynchburgchamber.org

Chamber Name: Martineville-Henry County Chamber of Commerce 🥏

305

Address: PO Box 709 City: Martinsville

State: VA Zip Code: 24114

Phone Number: (276) 632-6401 Fax Number: (276) 632-5059

Website: www.martinsville.com

Chamber Name: Mondo International Inc

Address: 2230 George C Marshall Dr, Apt 622

City: Falls Church

State: VA

Zip Code: 22043

Phone Number: (703) 869-9553 Fax Number: (800) 930-0708

Website: www.mondointernational.net

Chamber Name: Montgomery County Chamber of Commerce

Address: 103 Professional Park Dr

City: Blacksburg State: VA

Zip Code: 24060

Phone Number: (540) 552-2636 Fax Number: (540) 552-2639

Website: http://www.montgemerycc.org

Chamber Name: Mount Vernon-Lee Chamber of Commerce

Address: 8804-D Pear Tree Village Ct

City: Alexandria State: VA

Phone Number: (703) 360-6925 Fax Number: (703) 360-6928

Zip Code: 22309

Website: www.MtVemon-LeeChamber.org

Chamber Name: P W C-Grtr. Manassas Chamb of Commerce

Address: 8963 Center St City: Manassas State: VA Zip Code: 20110

Phone Number: (703) 368-4813 Fax Number: (703) 368-4733 Website: www.pwcgmcc.org

Chamber Name: Prince William Regional Chamber of Commerce

Address: 4320 Ridgewood Center Dr

City: Woodbridge State: VA Zio Code: 22192

Phone Number: (703) 590-5000 Fax Number: (703) 590-9815

Website: www.RegionalChamber.org

Chamber Name: Pulaski County Chamber of Commerce

Address: 4440 Cleburne Blvd

City: Dublin State: VA

Zip Code: 24084

Phone Number: (540)980-1991 Fax Mumber: (54M980-4566 Fax Number: (540)980-4566

Website: www.sw/a.net/pulaskichamber

Chamber Name: Roanoke Regional Chamber Of Commerce

Address: 212 8 Joffcroon St

City: Roanoke State: VA Zip Code: 24011

Phone Number: (540) 983-0790 Fax Number: (540) 983-0723

Website: www.roanokechamber.org

Chamber Name: Smith Mountain Lake Chamber of Commerce

Address: 16430 Booker T. Washington Hwy.

City: Moneta State: VA

Zip Code: 24121

Phone Number: (540)721-1203 Fax Number: (540)721-7796

Website: www.smi-chamber.com

Chamber Harne: South Fairfax Chamber Of Commerce

Address: PO Box 68 Cityo Lorina State: VA

Zip Code: 22199 Phone Number: (703) 550-0005 Fax Number: (703) 550-9005

Website: www.SouthFairfaxChamber.org

Chamber Name: Top of Virginia Regional Chamber 🍒

Address: 407 South Loudoun

City: Winchester

State: VA Zip Code: 22601

Phone Number: (540) 682-4118 Fax Number: (540) 722-6365

Website: www.regionalchamber.biz

Chamber Name: U.S.-Saudi Arabian Business Council

Address: 8081 Wolffrap Rd, Ste 300

City: Vienna State: VA

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State: VA Zip Code: 22182

Phone Number: (202) 638-1212 Fax Number: (202) 638-2894

Website: http://www.us-saudi-business.org/

Chamber Name: Vienna-Tysons Regional Chamber of Commerce

Address: 513 Maple Avenue West, 2nd Fl

City: Vienna State: VA Zip Code: 22180

Fax Number: (703) 242-1482 Website: www.virco.org

Chamber Name: Virginia Chamber of Commerce

Address: 9 South 5th St City: Richmond State: VA Zip Code: 23219

Phone Number: (804) 644-1607
Website: www.vachamber.com

Chamber Name: Virginia Peninsula Chamber of Commerce

Address: 21 Enterprise Pkwy, Ste 100

City: Hampton State: VA Zip Code: 23666

Phone Number: (757) 786-2000 Fax Number: (757) 262-2009 Website: http://www.vocc.org/

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🚣 Indicates State Chambers of Commerce and Associations of Industry

indicates a Federation Partner

(links to Chamber websites will lead in a new window)

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Chamber Name: Maine State Chamber of Commerce

Address: 125 Community Dr., Suite 101

City: Augusta State: ME Zip Code: 04330

> Phone: (207) 623-4568 Fax: (207) 622-7723

Website: www.mainechamber.org

# Complete Search Results

Chamber Name: Bangor Region Chamber of Commerce

Address: 519 Main St City: Bangor

State: MF

Zîp Code: 04401 Phone Number: (207) 947-0307

Fax Number: (207) 990-1427

Website: www.bangorregion.com

Chamber Name: Bethel Area Chamber of Commerce 🍒

Addrese: PA Bov 1747



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Address: PO Box 1247 City: Bethel

State: ME

Zip Code: 04217

Phone Number: (207) 824-2282 Fax Number: (207) 827-7123

Website: http://www.bethelmaine.com/

Chamber Name: Goothbay Harbor Region Chamber of Commerce

Address: PO Box 356 City: Boothbay Harbor

State: ME Zip Code: 04538

Phone Number: (207) 633-2353 Fax Number: (207) 833-7446

Website: http://www.boothbayharbor.com/

Chamber Name: Ellsworth Area Chamber Of Commerce

Address: PO Box 267 City: Ellsworth State: ME Zip Code: 04805

Phone Number: (207) 667-5584 Fax Number: (207) 667-2617

Website: http://www.ellsworthchamber.org/

Chamber Name: Greater Houlton Chamber of Commerce

Address: 109 Main St City: Houlton State: ME Zip Code: 04730

Phone Number: (207) 532-4216 Fax Number: (207) 532-4217

Website: www.mainerec.com/houlton.html

Chamber Name: Greater Portland Chamber of Commerce

Address: 60 Pearl St City: Portland State: ME Zip Code: 04101

Phone Number: (207) 772-2811

Website: www.portlandregion.com

Chamber Name: Kennebec Valley Chamber of Commerce

Address: 21 University Dr

City: Augusta State: ME Zip Code: 04330

Phone Number: (207) 623-4558 Fax Number: (207) 626-9342

Website: www.augustamaine.com

Chamber Name: Kennebunk-Kennebunkport Chamber of Commerce

Adul ess: PO Bux 740 City: Kennebunk State: ME

Zip Cade: 04043 Phone Number: (207) 967-9857

Website: www.kkcc.maine.org

Chamber Name: Maine State Chamber of Commerce 🐇

Address: 125 Community Dr., Suite 101

City: Augusta State: ME Zip Code: 04330 Phone Number: (207) 623-4568 Fax Number: (207) 622-7723

Website: www.malnechamber.org

Chamber Name: Mid-Maine Chamber of Commerce

Address: One Post Office Sq. Ste. 204

City: Waterville
State: ME
Zip Code: 04901
Phone Number: (207) 873-3316
Fax Number: (207) 877-0087

Website: http://www.midmainechamber.com/

Chamber Harne: Presque Isle Area Chamber of Commerce

Address: PO Box 672 City: Presque Isle State: ME Zip Code: 04769

Phone Number: (207) 764-6561 Fav Number: (207) 764-6571 Fax Number: (207) 764-6571 Website: www.pichamber.com

Chamber Name: Sanford-Springvale Chamber of Commerce

Address: 917 Main St, #B City: Sanford

State: ME **Zip Code:** 04073

Phone Number: (207) 324-4200 Fax Number: (207) 324-8290

Website: www.samfordchamber.org

Chamber Name: The Greater York Region Chamber of Commerce

Address: 1 Stonewall Ln

City: York State: ME Zip Code: 03909

Phone Number: (207) 363-4422 Fax Number: (207) 363-7320

Website: www.gatewaytomaine.org

Chamber Name: Wells Chamber of Commerce

Address: PO Box 356 City: Wells State: ME ZIP CODE: U4898

Phone Humber: (207) 646-2451 Fax Number: (207) 646-8104 Website: www.wellschamber.org

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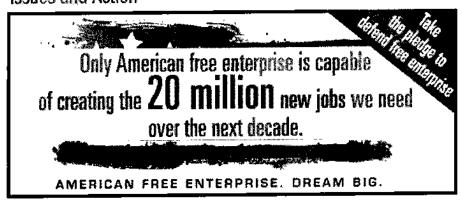
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# U.S. Chamber Policy Priorities for 2009 and 2010

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# Chamber of commerce

From Wikipedia, the free encyclopedia

discussion

(Redirected from Chambers of commerce)



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A chamber of commerce (also referred to in some circles as a board of trade) is a form of business network, e.g., a local organization of businesses whose goal is to further the interests of businesses. Business owners in towns and cities form these local societies to advocate on behalf of the business community. Local businesses are members, and they elect a board of directors or executive council to set policy for the chamber. The board or council then hires a President, CEO or Executive Director, plus staffing appropriate to size, to run the organization.

The first chambers of commerce were founded in 1599 in continental Europe (Marseille, France and Brugge, Belgium). [Chatton needed] The world's oldest English-speaking chamber of commerce is that of New York City, which was established in 1768.[1][dubious – discuss] The largest chamber of commerce in the UK is the North East Chamber of Commerce with over 4,000 members. [Chatton needed] The oldest Chamber in the English speaking world with continuous records is the Glasgow Chamber of Commerce founded in 1783.[2][dubious – discuss]

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  - 2.2 Continental/Private law chambers
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#### Characteristics

[edit]

Membership in an individual chamber in an area can range from a few dozen to well over 300,000 (as is the case with the Paris Chamber of Commerce and Industry). Some chamber organizations in China report even larger membership numbers. Chambers of commerce can range in scope from individual neighborhoods within a city or town up to an international chamber of commerce.

[Hide]

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- ※ 日本語
- Norsk (bokmål)
- \* Supmi
- Svenska
- Акрајнстка

Chambers do not operate in the same manner as the Better Business Bureau in that, while the BBB has the authority to bind its members under a formal operations doctrine (and, thus, can remove them if complaints arise regarding their services), the local chamber membership is strictly voluntary. In addition, Chambers represent the interests of all businesses, while the BBB represents the interests of the general public.

Chambers of commerce also can include economic development corporations or groups (though the latter can sometimes be a formal branch of a local government, the groups work together and may in some cases share office facilities) as well as tourism and visitors bureaus.

Some chambers have joined state, national, and even international bodice (ouch as Eurochambers, the International Chamber of Commerce (ICC), Worldchambers or the American Chamber of Commerce Executives). Currently, there are about 13,000 chambers registered in the official Worldchambers Network registry, and the chamber of commerce network is the largest business network globally. This network is informal, with each local chamber incorporated and operating separately, rather than as a chapter of a national or state chamber.

Chamber models [edit]

There are basically three chamber business membership models worldwide, 'compulsory / public law','continental / private law' or 'bilateral'.

#### Compulsory/Public law chambers

[edit]

Under the compulsory or public law model, companies of a certain areas are obliged to become members of the chamber. This model is common in European Union countries (France, Germany, Italy, Spain). The main tasks of the chamber are foreign trade promotion, training, and general pervices to companies. The chambers were given reoponoibilities of public administration in various fields by the state which they exercise in order management. The chambers also have a consultive function; this means the chambers must be consulted whenever a new law related to industry or commerce is proposed. In Germany the chambers of commerce and industry (IHK - Industrie- und Handelskammer) and the chambers of the skilled crafts and small businesses are a public statutory body with self-administration under the inspectorate of the state ministry of economy. The members of a Cerman chamber are members by law according to the chamber act (IHK-Gesetz) of 1956. Because of this, such chambers are much bigger than chambers under private law. The IHK Munich for example as the biggest German chamber of commerce has 310,000 member companies. In the German system there are also chambers for the so called "free occupations"; architects, dentists, engineers, lawyers, notaries, physicians and pharmacists.

#### Continental/Private law chambers

[edit]

Under the private model, which exists in English-speaking countries like USA, Canada or the UK, but as well in Sweden, Finland, Norway and Denmark, companies are not obligated to become chamber members. However, companies often become members to develop their business contacts and, regarding the local chambers (the most common level of organization), to demonstrate a commitment to the local economy. Though governments are not required to consult chambers on proposed laws, the chambers are often contacted given their local influence and membership numbers.

Bilateral Chambers [edit]

A bilateral chamber of commerce is an organisation formed of individuals and companies who share a common interest in trade and commerce between two countries. The role of the chamber is to represent and further the interests of each of its member countries. This is achieved through the promotion and encouragement of bilateral trade and investment.

Bitateral chambers of commerce exist as independent entities yet maintain a close relationship with their embassy and/or consulate - playing an integral role in strengthening bilateral relations and economic interactions. Members of a bilateral chamber benefit from a useful range of business services, support and advice aiming to help fulfil each member's professional goals.

. .

Bilateral chambers form a key component in the creation, growth and development process of a company or individual seeking to operate in a foreign business environment. The opportunities and advantages which membership confers should be considered essential in light of the chamber's culturally sensitive insight and in depth knowledge of the respective countries political and economic structure.

The core activities of a bilateral chamber of commerce include:

- Provision of useful business contacts
- Business services, including translation, interpreting and market research
- Events and Networking opportunities
- \* Business courses and seminars
- Monitoring of new legislation proposals which might affect member's interests

[edit] See also

- Business association
- China Council for the Promotion of International Trade
- Lobbying
- Non-governmental organization
- SACC New York
- Trade group
- Trade union
- United States Chamber of Commerce

[edit] References

- 1. A Joseph Bucklin Bishop, A Chronicle of One Hundred and Fifty Years: The Chamber of Commerce of the State of New York 1768-1918 (New York: Charles Scribner's Sons, 1916), p. 1. 29
- 2. A Glasgow Chamber of Commerce, About Us, [unline], available from http://www.glasgowchamberonline.org/page.asp?id=2@, 27 October 2009.

[edit] External links

- \* Chamber Search &
- World Wide Chamber Guide #

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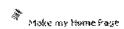
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The Chamber of Commerce of the United St ETC. (wmerone@kenyon.com)

Subject:

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CHAMBER - 11904-185

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Your trademark application (Serial No. 77975745) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 12/16/2009 to which you must respond (unless the Office letter specifically states that no response is required). Please follow these steps:

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# Exhibit O

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From: M

Merone, William

Sent:

Friday, August 07, 2009 3:52 PM

To:

'Buongiorno, Christopher'

Cc:

Lehner, William

Subject: RE: Serial No. 77975745 (NATIONAL CHAMBER) (Cl. 45)

#### Dear Mr. Buongiorno:

Thank you for checking on this. We have now gone ahead and filed a response to amend the ID using the description below. Also, given that we are now moving to Class 35 (rather than staying in Class 45), we have taken your previous suggestion of using "business data analysis" (from the ID Manual) in Class 35 to cover "analysis of business data."

If there are any further issues with this application, please let me know and we will attend to them promptly.

#### Regards,

-- William Merone

William M. Merone Kenyon & Kenyon LLP 1500 K Street, NW | Washington, DC 20005-1257 202.220.4270 Phone | 202.220.4201 Fax wmerone@kenyon.com | www.kenyon.com

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From: Buongiorno, Christopher [mailto:Christopher.Buongiorno@USPTO.GOV]

Sent: Thursday, August 06, 2009 10:13 AM

To: Merone, William

Subject: RE: Serial No. 77975745 (NATIONAL CHAMBER) (Cl. 45)

Mr. Merone:

The identification you have suggested is acceptable. However, the proper classification of such services would be class 35.

Chris Buongiorno

From: Merone, William [mailto:WMerone@kenyon.com]

Sent: Wednesday, August 05, 2009 12:49 PM

To: Buongiorno, Christopher

Subject: Serial No. 77975745 (NATIONAL CHAMBER) (Cl. 45)

Dear Mr. Buongiorno:

Further to our discussion of earlier today, please find a proposed ID for the Class 45 services:

Analysis of governmental policy relating to businesses and analysis of regulatory activity relating to businesses, all for the purpose of promoting the interests of businessmen and businesswomen. (Cl. 45).

Please let me know if this would be acceptable or if you have an alternative suggestion.

Regards,

- William Merone

William M. Merone Kenyon & Kenyon LLP 1500 K Street, NW | Washington, DC 20005-1257 202.220.4270 Phone | 202.220.4201 Fax wmerone@kenyon.com | www.kenyon.com

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